

1 FOR THE DEFENDANT: LAW OFFICE OF JOSHUA L. DRATEL
2 (MOHAMMAD EL-MEZAIN) 14 WALL STREET, 28TH FLOOR
3 NEW YORK, NEW YORK 10005
4 BY: MR. JOSHUA DRATEL
5 MR. AARON J. MYSLIWIEC

6 FOR THE DEFENDANT: LAW OFFICE OF MARLO P. CADEDDU
7 (MUFID ABDULQADER) 3232 MCKINNEY AVENUE, SUITE 700
8 DALLAS, TEXAS 75204
9 BY: MS. MARLO P. CADEDDU

10 FOR THE DEFENDANT: LAW OFFICE OF LINDA MORENO
11 (GHASSAN ELASHI) P.O. BOX 10985
12 TAMPA, FLORIDA 33679
13 BY: MS. LINDA MORENO

14 JONES DAY
15 555 CALIFORNIA ST., 26TH FLOOR
16 SAN FRANCISCO, CA 94104
17 BY: MR. JOHN D. CLINE

18 FOR THE DEFENDANT: WESTFALL, PLATT & CUTRER
19 (ABDULRAHAM ODEH) ONE SUMMIT AVENUE, SUITE 910
20 FORT WORTH, TEXAS 76102
21 BY: MR. GREG WESTFALL

22 COURT'S LAW CLERK: MS. JENNIFER HELMS
23 1100 COMMERCE, RM. 1654
24 DALLAS, TEXAS 75242

25 COURT COORDINATOR: MS. BRENDA WEBB
 1100 COMMERCE, RM. 1654
 DALLAS, TEXAS 75242

 OFFICIAL COURT REPORTER: SHAWN M. McROBERTS, RMR, CRR
 1100 COMMERCE STREET, RM. 1654
 DALLAS, TEXAS 75242
 (214) 753-2349

INDEX**EXAMINATION**

Witness Name	Page
AVI	
Direct By MS. SHAPIRO.....	27

Government's Exhibits

Government's Exhibits	Page
Picture No. 61	46
Picture 62-64	55
German Document No. 4	58
Picture No. 65	70
Demonstrative No. 23	74
Map No. 1	77
Picture No. 21-27	79
Demonstrative No. 28	79
No. 57-60	105
Demonstrative No. 27	105
Picture No. 38-43	145
Picture No. 49-54	157
Picture No. 55, 56	159
Picture No. 44	179
Picture No. 45-48	189
Demonstrative No. 26	189
Pictures 28-31, 34-36	207
Picture No. 32	213
Picture No. 33	214

1 THE COURT: Good morning.

2 We are still short some jurors, so we are still waiting.
3 All the jurors aren't here yet. And Ms. Helms is out today.
4 She is sick. So it is going around.

5 MS. MORENO: I don't want to be blamed for that,
6 Your Honor.

7 THE COURT: She stopped short of doing that. She
8 wasn't quite there. She may be there by the end of the day.

9 I am still looking at the objections to your exhibits
10 that you want to introduce.

11 MS. HOLLANDER: Did you get our pleading this
12 morning? We sent it to Jennifer.

13 THE COURT: She is forwarding it to me. The
14 response to the Government's objections?

15 MS. HOLLANDER: Yes.

16 THE COURT: I have read that. In fact I have that.

17 MR. JONAS: Can I very briefly respond to that? The
18 Defendants say 803 applies and that is why these USAID are not
19 hearsay.

20 Looking at in the light most favorable to them, I think,
21 you know, arguably it could apply to most of them; certainly
22 not all of the exhibits. There are two exhibits that are not
23 USAID, either documents themselves or not ones that were
24 created as a result of an investigation. So I think 803
25 absolutely does not apply to those. And That would be

1 Defendants' No. 102 and Defendants' No. 1074.

2 The other ones that are arguably apply to goes to another
3 point that we tried to make in our response--that this witness
4 is not the person to admit those documents through. There is
5 no indication on the face of the documents that they are the
6 result of an investigation. They may be part of an
7 investigation. I think this is something we would contest
8 with our witnesses. They need to put on a witness who can
9 say, "Yes, these are the result of an official investigation
10 authorized by law by USAID," and then those documents could
11 come in under 803.

12 This witness has no idea what these documents are, and I
13 think in the transcript with Judge Fish, he made a
14 determination with regard to one exhibit, No. 1014, that maybe
15 803 applies, and admitted that document under 803.

16 THE COURT: No. 1014 is the one you are not going to
17 go into unless more evidence is presented. Is that correct?

18 MS. HOLLANDER: That is correct.

19 THE COURT: So I think Your Honor needs to take a
20 look at these documents, really looking and thinking of the
21 rule as to have they met their foundation with this witness to
22 admit these documents under 803. I mean, the answer is no.

23 MS. DUNCAN: Your Honor, we would ask that you look
24 at the exhibits. I mean --

25 THE COURT: I have looked at the exhibits.

1 MS. DUNCAN: On the face of them they show that they
2 are in fact reports of investigations by USAID. And we broke
3 them out in our footnote into categories. Some are reports of
4 investigations by USAID. Others are actually reports of the
5 activities of USAID.

6 And with respect to Defense Exhibit No. 102 in our
7 pleading, that is an official press release by the agency that
8 was posted on its official website. So it is a report of
9 USAID of the work that it did in the West Bank, particularly I
10 think it was in Jenin.

11 So I think because the face of the document explains what
12 it is, that it is in fact a public report, there is no need
13 for us to bring in a witness to sponsor them, and the rules
14 don't require that.

15 And also that with the exception of -- I don't have it in
16 front of me. Most of them have been -- they have stipulated
17 to the authenticity of those.

18 THE COURT: Right. The Government stated that in
19 its response.

20 MR. JONAS: Which doesn't automatically get them
21 into evidence. We specifically would not agree to a hearsay
22 or a relevancy stipulation, because we think they need to
23 sponsor a witness, or put on a witness who can sponsor them.

24 THE COURT: Why doesn't the face of the document,
25 you think, satisfy that, as Ms. Duncan is arguing?

1 MR. JONAS: Because my understanding, from the
2 people at USAID that we spoke to, these weren't official
3 investigations regarding these entities that are cited in the
4 report. In fact, one of the documents states that these
5 results are less than inclusive. I think that shows that
6 these aren't what 803 contemplated.

7 THE COURT: Well, but if it is not an investigation,
8 why isn't it just a report setting out the agency's
9 observations, matters observed by the agency, as is their
10 duty?

11 MR. JONAS: The rule doesn't say matters --

12 THE COURT: Yes.

13 MR. JONAS: I am sorry. (B) does.

14 THE COURT: Yes.

15 MR. JONAS: Which says there was a duty to report.
16 And again, I think it comes down to having the proper witness
17 to state "This was our duty to report on these" --

18 THE COURT: But on the face of it it states that
19 they are making this report to these individuals that are
20 apparently asking for it. Why isn't that evidence that they
21 were doing what the law required them to do?

22 MR. JONAS: That is just it, Your Honor. Does the
23 law require them to do that, and I think only someone from
24 USAID --

25 THE COURT: If you look at 803(8)(A), "the

1 activities of the office or agency," and then (B) is the one,
2 "matters observed pursuant to duty imposed by law." That is
3 the one that has the imposed by law, and then (C) is the
4 investigations.

5 MR. JONAS: Right. And Your Honor, that is the
6 point I am trying to make.

7 THE COURT: Is that without a foundational witness?

8 MR. JONAS: Yes. Because USAID, certainly back
9 during this time period, was not mandated by law, my
10 understanding, that they are required to vet and look into
11 these organizations. That is what USAID in response to
12 criticism by Congress is trying to do today is come up with a
13 proper vetting procedure. Back then it was an ad hoc basis,
14 and it wasn't mandated by law, as far as I understand. So I
15 think they need a witness to be able to talk about that in
16 order to get these documents in and satisfy the rule.

17 THE COURT: And what about the press release, as Ms.
18 Duncan said, No. 102?

19 MR. JONAS: I don't think the press release is 803.
20 (C), "the activities of an office or agency," maybe. I will
21 defer to the Court on that one.

22 MS. HOLLANDER: Actually USAID has already
23 acknowledged that in a previous civil proceeding. I didn't
24 anticipate that that would be an issue here since it wasn't an
25 issue before, and by the time we got their pleading it was too

1 late to call my office and get the declaration from the civil
2 case from the USAID. I think his name was Gene Winter.

3 THE COURT: Declaration to what?

4 MS. HOLLANDER: It involved that exhibit when it was
5 introduced in the civil case, in the case that we litigated
6 with Ms. Shapiro. And the Government didn't raise an issue
7 that it wasn't from the official website last year, so I
8 didn't anticipate that. I can probably get that sometime
9 today.

10 But there is no question that that was from the USAID
11 website.

12 THE COURT: What about this other issue, Ms. Duncan,
13 on the foundational issue?

14 MS. DUNCAN: I guess two points. One is that
15 Mr. Jonas is going beyond the face of the document to issues
16 that are not before the Court.

17 THE COURT: He is saying you are not satisfying the
18 rule. You are trying to get it under this 803(8), and it
19 requires "observed pursuant to law" or "factual findings
20 resulting from an investigation." That whether or not there
21 was an investigation I guess is what you are saying. They
22 haven't established that foundation.

23 MR. JONAS: Yes, sir.

24 THE COURT: And then with respect to (B), "Whether
25 there was a duty imposed by law," you haven't laid those

1 foundations.

2 MS. DUNCAN: Your Honor, I mean, our position is
3 when you look at the documents themselves, they purport to
4 state that they are in fact the result of an investigation,
5 and it seems Mr. Jonas' arguments really go to the weight of
6 whether that was a full investigation or not a full
7 investigation, and not to be the admissibility.

8 For example, you know, they say, "Per your request, we
9 have reviewed our records, we have investigated this charity,
10 and we found no derogatory" --

11 THE COURT: Read that again verbatim.

12 MS. DUNCAN: Verbatim it says, "Per your request, a
13 review of our records reveals no derogatory information on the
14 following organization," and it talks about --

15 THE COURT: But a review of our records doesn't
16 indicate an investigation one way or the other, does it? It
17 says, "a review of our records."

18 MS. DUNCAN: It goes on. "A trace in our records, a
19 review of the agency's records pursuant to this request,"
20 which I mean is an investigation into the agency's records to
21 determine whether there is any information that would suggest
22 that these --

23 THE COURT: I am not sure that that is the
24 investigation that was contemplated in (C) "resulting from an
25 investigation." I don't know that you can say that that is an

1 investigation, the fact that they reviewed their records.

2 MS. DUNCAN: Well, I think that there is nothing in
3 the rule that requires a particular type of investigation or
4 necessarily the thoroughness of a particular investigation;
5 just that the matter was investigated pursuant to law. And
6 this is a agency that provides charitable aid into the West
7 Bank and Gaza, and part of that would be investigating the --

8 THE COURT: And I know you are saying that part of
9 that would be investigating, but that is what we don't have.
10 And we certainly don't have any indication on the face of the
11 report that they investigated anything, other than looking at
12 the records. We we don't have any evidence that it was
13 investigated. That is what Mr. Jonas is saying, that it goes
14 to that foundation.

15 MS. DUNCAN: Then it would also be admissible under
16 provision (A) as a report setting forth the activities of the
17 office or the agency, which is a review of their records to
18 determine whether or not those records contain any
19 information, derogatory information about these particular
20 organizations with which USAID worked so that would be under
21 (A) or (C).

22 MR. JONAS: Your Honor, I think (A) is even more of
23 a stretch because it doesn't set forth the activities of the
24 agency. I can cite some case law on that if Your Honor
25 wishes. I have that right now. But I don't think it meets

1 (A) at all.

2 But with regard to No. 102, the one that I sort of
3 deferred, I think Ms. Shapiro is in a better position to
4 address that because the civil lawsuit involved her.

5 MS. SHAPIRO: Just to set the record straight on
6 that, that was a civil suit, and what had happened was -- and
7 Mr. Cline was handling it I believe on behalf of
8 Ms. Hollander's office. They were in the same office at the
9 time. And it was a challenge under the Administrative
10 Procedures Act, and it was a record review case. And they
11 submitted a bunch of material to the Court in the course of
12 motions practice, and we responded to it but also argued that
13 it shouldn't be considered by the Court because it was outside
14 the administrative record, and then under the APA it is a
15 record review and you look only at records that the agency
16 compiled. And in fact that is how the Court ultimately ruled,
17 so those documents never actually even came in.

18 And they certainly weren't introduced into evidence by
19 any evidentiary standard, because there wasn't a formal trial.
20 It was a motions practice. They moved for a motion for
21 preliminary injunction and that is what started the case
22 rolling.

23 So I just want it to be clear that there was certainly no
24 evidentiary determination, you know, one way or the other with
25 respect to that document.

1 THE COURT: All right. I asked Mr. Jonas why that
2 doesn't satisfy the requirements of 803(8). Do you have any
3 thoughts on that? He ended up deferring. I asked him, but
4 Ms. Shapiro, do you have any thoughts on that issue since you
5 are more familiar with that document?

6 MS. SHAPIRO: Let me just pull up the document. I
7 don't remember the context other than that this was a report
8 presumably from the website, and I don't know in what context
9 or whether it was a formal report or what date --

10 THE COURT: Do you have that document before you?

11 MS. SHAPIRO: Yes.

12 THE COURT: What is it that they are reporting
13 about?

14 MS. SHAPIRO: It talks about a hospital. It looks
15 sort of like a press release.

16 THE COURT: What is the topic?

17 MS. SHAPIRO: It is delivery of humanitarian relief
18 to the people of Jenin. And it says, "On April 24th, 2002, a
19 team from the USAID West Bank and Gaza mission visited Jenin
20 to assess increased humanitarian needs in the area of --

21 THE COURT: And the question I think to Mr. Jonas is
22 why doesn't that set forth the activities of the office under
23 803(8)(A)? Doesn't that appear to be what that is
24 doing--delivering aid? That is what they do.

25 MR. JONAS: Yes, sir. And on this one we will

1 withdraw our objection. But the other ones I think we are
2 standing firm on.

3 THE COURT: All right.

4 MS. DUNCAN: Your Honor, I just wanted to add that
5 in these documents the report the results of the investigation
6 into the various zakat committees, they talk about it being a
7 vetting process, so it is not simply a review of the records
8 but it is a vetting process looking --

9 THE COURT: Well, there is one document that talks
10 about that.

11 MS. DUNCAN: Correct, Your Honor. And I think when
12 you look at them together, the documents together, that that
13 is what these are. These are the reports that are referenced
14 in the document that talks about the vetting process.

15 THE COURT: I guess my concern is there is some
16 assumptions there in terms of what this vetting process is.
17 Is it anymore -- From reading those other documents, I don't
18 know that there is any indication that that is anymore than
19 simply looking through the agency records, rather than an
20 investigation. We don't know that.

21 And of course that is part of the Government's objection
22 is we don't know what happened, what kind of an investigation,
23 if any investigation, other than simply looking through the
24 agency's record.

25 MS. DUNCAN: Your Honor, and our position is simply

1 that the thoroughness of the investigation is matter of weight
2 and not a matter of admissibility. The Government is free to
3 argue that point.

4 THE COURT: Okay.

5 MR. JONAS: Your Honor, I am not going to add
6 anything else.

7 THE COURT: I still have that under advisement.

8 MR. JONAS: Your Honor, there is a scheduling issue
9 I think Ms. Shapiro wants to bring up .

10 MS. MORENO: And, Your Honor, there is another
11 evidentiary issue.

12 MR. DRATEL: It is one of the documents, No. 1069,

13 THE COURT: What about it.

14 MR. DRATEL: It is a separate issue. If Your Honor
15 wants me to address that now, or we can put that in writing,
16 our response to the Government's objections. I don't know how
17 you want to handle this.

18 THE COURT: Give me one second here. Let's take
19 these -- I didn't have No. 1069. What is that about?

20 MR. DRATEL: Well, this is a report by the Charity
21 Commission for England and Wales on Interpal in 2003. This is
22 a report of an investigation.

23 THE COURT: And that one I haven't looked at.
24 Frankly, I haven't taken a look of that document.

25 MR. DRATEL: Do you have it?

1 THE COURT: I have it on disk, but I just haven't
2 looked at it yet.

3 MR. DRATEL: Do you want to see a hard copy?

4 THE COURT: Sure. If you have an extra copy, I will
5 be glad to take a look at it.

6 MR. DRATEL: I don't have an extra, but --

7 THE COURT: I have got it on disk. I will take a
8 look at it. What is your position?

9 MR. JONAS: Our objections, as stated in our
10 response yesterday, is that this does not meet the
11 requirements, not only under the Federal Rules of Evidence
12 902(12), but also 18 U.S.C. 3491, et sec, that talk about
13 documents from foreign countries and the requirement that
14 those documents must go through to be admitted into court.
15 All this is is a document off the internet. That is it. This
16 doesn't come close to being authentic.

17 THE COURT: Mr. Dratel, do you want to address that.

18 MR. DRATEL: Well, it is from the official website
19 of the U.K., and this was a document that was admitted last
20 year during my cross examination of Avi. It sets forth -- he
21 is familiar with the findings. He knows the findings, Avi,
22 that are in this document, the conclusions that were reached.
23 And so I don't think there is any doubt that this is an
24 authentic document that states the finding of the British
25 Charity Commission with respect to its investigation of

1 Interpal in 2003.

2 MR. JONAS: Your Honor, first of all, Mr. Dratel is
3 not a witness, and what he says, you know, just because he
4 says it doesn't mean it is so.

5 Second of all, we have got rules and statutes for a
6 reason. Until Congress changes those rules and statutes and
7 meets his argument, they are in place and the Defense is bound
8 by them as much as the Government is. So until they meet
9 those requirements, this document is not authenticated
10 properly and should not be admitted into evidence.

11 THE COURT: And I will take a look at that, then.

12 And then you had a 106?

13 MS. MORENO: Your Honor I think that Ms. Shapiro
14 might be going into Jenin Zakat No. 6 with Avi perhaps this
15 morning. Counsel?

16 MS. SHAPIRO: Probably.

17 MS. MORENO: And we would -- It is a video, Your
18 Honor, of a ceremony. The video was made in 2004, so, of
19 course, we have our initial objections I think the Court has
20 overruled about relevance and what have you.

21 But the part that they wish to play is a part -- is a
22 snippet of prolonged skits and songs by children on a stage.
23 That is what you will see. The part that they wish to play,
24 which they played last year, is a part where one of the
25 children is singing or chanting, opens his or her blouse, and

1 there is a mock suicide vest underneath the shirt.

2 The part that I am asking the Court to allow under 106,
3 and the Court allowed last year and played last year, is the
4 part that is either -- I think it is immediately preceding or
5 immediately after that, within a second or two, and it is just
6 a poem, Your Honor, that one of the children -- This is the
7 same skit, same stage, same children, same event, and it is a
8 poem that a young girl is reading, and one conceivably, and I
9 would argue to the Court, it is part of the same kind of play.

10 And so in fairness under 106 I would ask the Court to
11 allow us to play that snippet, which I think is perhaps a
12 minute or two long. It is just the recitation of the poem
13 that comes either immediately before the clip they wish to
14 play or immediately after the clip that they wish to play, in
15 fairness to add meaning to what it is that they wish to play.

16 THE COURT: How to you think that that adds meaning?

17 MS. MORENO: Well, it is part of the same story,
18 exactly part of the same drama. It comes, as I said, either
19 immediately after or immediately before. It is recited by a
20 different child, but it is part of the same skit.

21 And this particular poem, the child is now addressing the
22 soldier in these lines, the Israeli soldier. And the part
23 that the Government only wishes the jury to see, the child has
24 a suicide vest, again addressing the soldier. So we are
25 asking in fairness that both parts should be played. It is

1 part of the same skit, part of the same story, so that the
2 jury can consider both of them.

3 THE COURT: Okay. Ms. Shapiro?

4 MS. SHAPIRO: Well, this is one of the persistent
5 issues that I am not sure what this goes to other than to sort
6 of excuse what is going on on the stage. I mean, I think that
7 when they say provide context, what they really mean is to put
8 in whatever they can about perceived grievances and whatever
9 they can to point the blame for whatever is happening, and the
10 idea is essentially to suggest to the jury that, well, you
11 know, both sides are, you know, culpable here, you know, we
12 will wash our hands of this, and to sort of forgive the
13 conduct, and that to me is jury nullification.

14 Essentially it doesn't go to a relevant issue. The issue
15 that is here is that this particular ceremony and this tape
16 was found within a committee that the Holy Land Foundation
17 supported. That is what it is being offered for. And to put
18 in sort of material that is, you know, meant to point blame at
19 the occupation, point blame at Israel, is to suggest to the
20 jury that, you know, this is why these people feel like they
21 have to blow themselves up, and that is the context they want
22 to suggest and, therefore, it is okay and we should just
23 forget this.

24 MR. JONAS: Your Honor, if I may just add, the notes
25 to the rule 106 talk about the purpose of the rule is to

1 correct a misleading impression left by partial viewing of the
2 video as an example. Ms. Moreno has not argued how this
3 corrects a misleading impression.

4 THE COURT: Ms. Moreno?

5 MS. MORENO: Ms. Shapiro's argument would be better
6 placed if I was asking the Court under 106, which I could, to
7 play other tapes, other videos, and under 106 I could do that.

8 I am asking to play the very same skit, and this is the
9 full range of expression, Your Honor. The Government wants to
10 talk about excuse. We are not talking about excuse here. We
11 are talking about the full range of expression of children in
12 this particular skit, and then what the language that they
13 were using was in this particular drama.

14 It is up to the jury to decide if that was an excuse, and
15 I am sure the Government is going to argue that. But I
16 believe that goes more to weight. And I think under 106,
17 especially given, as I said, if the Court wishes to see the
18 whole snippet, it is part of the same story exactly. It is
19 not even 15 minutes before, which if it was I could still
20 legitimately offer it under 106. It is part of the same
21 particular skit.

22 THE COURT: Okay.

23 MR. WESTFALL: Your Honor, may I add just one thing?

24 THE COURT: Yes.

25 MR. WESTFALL: When she says, you know, the conduct

1 and seeking to excuse the conduct and all that, the conduct we
2 are talking about is expression. It is speech. And --

3 THE COURT: What conduct?

4 MR. WESTFALL: The conduct she is talking about the
5 reason why they want to play these tapes is because kids
6 wearing mock suicide belts and saying things. None of it is
7 inherently criminal. It is all expression. And, you know --

8 THE COURT: But that particular expression goes to
9 one of the issues in the case, and that is the terrorism issue
10 that is in the case.

11 MR. WESTFALL: But the other expressions also go to
12 the issues in the case, because it would tend to undercut the
13 whole, you know, "We are doing this because of hearts and
14 minds," and all of that.

15 If this is an alternative reason for the way that these
16 Palestinians are acting, Your Honor, then that is an inherent
17 defense to what they are saying about the issues of the case.

18 MR. DRATEL: And also, Your Honor, they are trying
19 to show these videos to show the character of these
20 institutions. And so -- Let's say you take a movie, and you
21 only take the last 15 minutes of some detective movie and you
22 just put that and say, "Well, it is just a car chase," well,
23 it is not just a car chase. There is an hour and 45 before
24 that that is a story.

25 And I am not saying we want to play an hour and 45. We

1 want to play one minute that is another part of the story to
2 show the more complete, and this is where rule 106 comes in,
3 to correct -- The correction is that that is all that ceremony
4 was about was suicide. There is more to it. We want to show
5 a little bit about the full range --

6 THE COURT: I am not sure that that is a correction.
7 Clearly the Government isn't playing all of it, and the jury
8 knows that. They are play a part that they say goes to one of
9 these issues in the case, a relevant issue. And so I don't
10 know what it is you are seeking to correct or to complete.

11 MR. DRATEL: The fuller character of that ceremony
12 as to what that institution is about and what these children
13 are expressing; not just that one limited thing about suicide
14 bombing. There is more to it than that. We just want to show
15 one little piece to put it in some context. We don't need the
16 whole thing to put in the whole context, but we do need
17 something to give it more context than just --

18 You would think from watching that that that is all there
19 is, and that is not all there is.

20 MS. DUNCAN: I think the other thing, the Government
21 has attempted to portray opposition to the occupation as
22 solely intent on the destruction of Israel, and the suicide
23 belt I think they think is being symbolic of that. And this
24 little girl's speech is an expression against the occupation
25 in a way that they sort of gives voice to the non-violent

1 expression of opposition to occupation, which is -- in itself
2 it gives context to some of the Defendants' speech in this
3 case.

4 And when the Government puts in just such a narrow view
5 what opposition to the occupation means, it skews the jury's
6 view of some of the speech in this case, and we are attempting
7 to give a more fuller view so that the jury can make a
8 determination of what people mean when they say certain things
9 that is relevant to this case.

10 So for that reason -- Also it is different types of
11 speech, particularly when they are shown in the same clip, in
12 the clip -- the same clip that the Government showed last
13 year. So last year it felt like those parts belonged
14 together.

15 It is important for the jury to understand fully the
16 evidence in this case.

17 THE COURT: Thank you.

18 MS. SHAPIRO: I don't have a lot more to say other
19 than this is not about expression. This is about showing the
20 character of these institutions and the claim that is being
21 made by the Defense that these are non-political,
22 non-affiliated, neutral charities that exist solely to collect
23 zakat and to distribute it to the poor and the needy. And
24 this tape where children are on the stage and they are going
25 through a skit that talks about violence and blowing

1 themselves up and has children wearing mock suicide belts,
2 that goes to the character of the place that this was found.
3 And that is what we are offering it for.

4 We are not trying to convict anybody based on anybody's
5 speech in these clips.

6 THE COURT: All right. I will give you a ruling on
7 that, then, when the time comes.

8 Yes?

9 MR. DRATEL: Your Honor, not about that but about
10 the previous exhibit that we discussed, No. 1069, I also just
11 wanted to -- With respect to authentication,
12 self-authentication under Rule 902(5), "Official publications,
13 books, pamphlets, or other publications purporting to be
14 issued by public authority."

15 So (12), a certified record, is not the only means of
16 getting in evidence for publication authorities, and (5) would
17 qualify as well.

18 THE COURT: Okay. All right. Thank you.

19 And you might want to take a look at that at some point
20 and we will address it.

21 MR. JONAS: this is not a book or a pamphlet. This
22 is a report. I mean, I don't think it applies, Your Honor. I
23 am not going to -- I think when Your Honor takes a look at the
24 document --

25 THE COURT: It says, "Book, pamphlets, or other

1 publications purporting to be issued."

2 MR. JONAS: Publications I think implies periodicals
3 and that nature of material.

4 THE COURT: Why couldn't it just be a report that
5 they published--"or other publication"?

6 MR. JONAS: I don't think this fits within that
7 rule.

8 THE COURT: Okay. All right.

9 MR. JONAS: If Your Honor takes a look --

10 THE COURT: I will take a look at it. And I haven't
11 seen that document, frankly, so I am in the dark a little bit.

12 MS. HOLLANDER: Your Honor, I just wanted to add one
13 very brief thing to the discussion of the USAID documents and
14 the 803(A) that I don't think we said and I don't think we
15 said in our pleading that we wrote very hastily, which is that
16 the presumption is for admissibility. And that is the
17 presumption, and if you look at all of the case law under
18 803(A), you will find that there is a presumption in favor of
19 admissibility that has to be overcome, and that the
20 Government's arguments go to weight --

21 THE COURT: I don't know that there is a presumption
22 against hearsay. I think you have to satisfy that rule before
23 it comes in. I don't know that there is a presumption and it
24 comes in. If there is a hearsay objection, it has to come in
25 within one of those exceptions.

1 MS. HOLLANDER: I agree. But there is a presumption
2 that if it meets the exception that there is a presumption of
3 reliability --

4 THE COURT: If it meets the rules I think it comes
5 in.

6 MS. HOLLANDER: Right. And the other thing, the
7 other reason that I think it goes to weight is that the
8 Government can argue that the documents themselves say, you
9 know, these are trace -- I mean, there are arguments for the
10 argument to make on the issue of weight.

11 But this is, you know -- And that it is right there and
12 they can make those arguments.

13 THE COURT: Thank you.

14 Is the jury in yet?

15 Our juror is still on the way. I think she will be here
16 maybe about 9:45 or so. And that is an estimate. We will be
17 in recess.

18 MS. HOLLANDER: Did you find anything from the
19 jurors about Friday yet?

20 THE COURT: We are in the process. We are hoping to
21 get all those together, so we will find something later on
22 today.

23 MS. HOLLANDER: We just need to know for our
24 witnesses.

25 THE COURT: Everybody needs to know.

1 MR. JONAS: We have an issue regarding that.

2 THE COURT: Do you need to come up?

3 MS. SHAPIRO: If that is okay.

4 THE COURT: Do you need this on?

5 MS. SHAPIRO: No.

6 (Discussion held off the record.)

7 THE COURT: Bring in the jury.

8 (Whereupon, the jury entered the courtroom.)

9 THE COURT: Ladies and gentlemen of the jury, good
10 morning. We are ready to proceed.

11 Ms. Shapiro?

12 MS. SHAPIRO: Thank you.

13 Q. (BY MS. SHAPIRO) Good morning.

14 A. Good morning.

15 Q. When we were last together day before yesterday, we
16 reviewed a little bit of the history of the committees, and
17 now I want to turn to, as an expert, someone who studies these
18 committees, what criteria do you apply when you look at the
19 nature and the character of these committees.

20 So let me ask you first, is there a set of criteria that
21 you rely on when you evaluate the character of one of these
22 zakat committees or societies that we have spoken about?

23 A. Yes. Several criteria, and I would also call them a
24 guideline for me, and I am not relying solely on one criteria,
25 and it always must be a combination of several criteria.

1 MS. SHAPIRO: Let's pull up Demonstrative No. 30, if
2 we could, which is the PowerPoint, page 3.

3 Q. (BY MS. SHAPIRO) Okay. Did you assist in preparing a
4 list of criteria that you apply?

5 A. Yes.

6 Q. Could we start with the first one? It says "Key
7 leadership is Hamas." What does that mean?

8 A. It means that in a specific committee, I will check if
9 there are key Hamas leaders that take key positions in a
10 specific committee. It is not a matter of number for me, how
11 many are Hamas and how many are not. It is for me very
12 important to see if the key position, like the chairman, like
13 vice chairman, like the treasurer, are Hamas activists. And
14 not only Hamas activists, it will be for me I will put more
15 weight if I see that they are Hamas leaders key leaders in the
16 area.

17 Q. And how do you determine whether the people in these
18 committees are in fact key leaders of Hamas?

19 A. I use a variety of sources to make my opinion, including
20 articles, court files, prosecution files that I am checking,
21 also how Hamas itself reviews these people, are there any
22 publications that Hamas made a statement by Hamas about these
23 people, many sources that I use to make my opinion about each
24 specific member.

25 Q. Does Hamas sometimes come out and identify its own

1 people?

2 A. Yes.

3 Q. Okay. And is that an important consideration for you?

4 A. It is also important, of course. If Hamas identifies a
5 specific person as Hamas, and usually -- and of course, if it
6 is a key leader of Hamas or founder of Hamas, it of course
7 adds weight in my opinion.

8 Q. So after you have looked at the key leadership, the next
9 point that you have here is "part of the closed network of
10 charities." What do you mean by that?

11 A. What I mean is that in the West Bank and in the Gaza
12 Strip there are many hundred -- There are hundreds of charity
13 committees or societies, not all of them Hamas. And I must
14 say a small part of them combine a closed network of societies
15 and committees that cooperate, that conduct projects together,
16 that are linked. And, for example, you have a committee like
17 in Hebron that has a close tie to a committee in Bethlehem, so
18 I can see the fact we are talking about a closed network that
19 works between themselves. And other committees that are not
20 Hamas usually are not -- I don't see them in this close
21 community.

22 I review, for example, lists of committees that I can
23 characterize them and I am trying to figure out whether there
24 are exceptions. And this is the closed network that I am
25 talking about.

1 Q. Okay. So all the same committees are working with each
2 other?

3 A. With each other.

4 Q. Okay. Let's look at the next point that says "same
5 sources of external funding." What do you mean by that?

6 A. This is also an important characteristic for me. The
7 Hamas has a global financial network. Most of the money that
8 Hamas receives comes from the outside of the territories, from
9 these global networks, and it is also a closed network. So if
10 we have closed network in the territories in the Gaza Strip
11 and the West Bank, we also have -- I can see that there is
12 outside network of Hamas funds. And if I review or if I see
13 that this closed network is supported by the Hamas funds from
14 outside, then usually it is the same players, so it is
15 important also.

16 Q. Okay. Let's look for a moment at the previous page of
17 this PowerPoint of Demonstrative No. 30. These organizations
18 in red, are those what you are referring to when you talk
19 about this global network?

20 A. Exactly. This is part of the global network.

21 Q. All right.

22 MS. SHAPIRO: Can we pull up PA No. 8, please? I am
23 sorry. I meant PA No. 2. My mistake. Let's go to the first
24 page of the English.

25 Q. (BY MS. SHAPIRO) Have you seen this document before?

1 A. Yes.

2 Q. And where is this document from?

3 A. This document was seized from the Palestinian Security
4 Office in Ramallah.

5 Q. Is that part of the Palestinian Authority?

6 A. Yes.

7 Q. Okay. And it is titled "Who is financing Hamas." Do you
8 have any idea from the content of this document what the date
9 would be?

10 A. Yes. There is -- I will read the first sentence, if it
11 is okay. It says, "At the beginning of April in one of the
12 cars heading towards Damascus City center, there sat Imad
13 al-Alami a 39-year-old engineer." Imad al-Alami was in born
14 in February 1956. Thirty-nine years old it means the document
15 is around from 1995.

16 Q. Okay. So the document is about 1995.

17 MS. SHAPIRO: Let's go to the next page, please.

18 Q. (BY MS. SHAPIRO) Now, this page has the "Hamas financial
19 resources worldwide." Okay? And does this document identify
20 the worldwide network that we saw in the earlier slide with
21 the map?

22 A. Yes. There are elements that were shown in the previous
23 slide, and --

24 Q. Which ones do we see on this page?

25 A. For example, the Holy Land fund in Texas.

1 Q. What about in Europe? Do you see any in Europe?

2 A. Europe, the Palestine Lebanese Fund, it is called the
3 PLRF, or Interpal from the Britain, we saw it in the slide.
4 In Paris there is the Palestine Solidarity Committee, CBSP.
5 We saw it in the previous slide. In Holland and Belgium it is
6 written al-Aqsa Fund, and also it is shown in the previous
7 slide. This is the outside network.

8 Q. That was -- In the previous side it had Germany. Is
9 there an al-Aqsa fund in Germany?

10 A. Al-Aqsa in Holland and Netherlands and Belgium are part
11 of the Hamas al-Aqsa network in Europe. The main branch is in
12 Germany, and it has also branches in Holland and Belgium. It
13 is the same al-Aqsa.

14 Q. All right.

15 MS. SHAPIRO: Let's go back to the Demonstrative No.
16 30 page 3, please.

17 Q. (BY MS. SHAPIRO) Okay. After the external funding, your
18 next point says, "committee activities consistent with Hamas
19 goals." What does that mean?

20 A. It means that the committee activities serves in various
21 ways, as was shown previously in the cycle, there are conduct
22 activities that assist Hamas, support Hamas, and assist the
23 Hamas goals, emphasizing education and, of course, supporting
24 special segments in the population and other activities that
25 are going together with the Hamas goals.

1 Q. Okay. So that is essentially the lifecycle that we spoke
2 about?

3 A. That is the lifecycle.

4 Q. And the next one says "Palestinian Authority views
5 committee as Hamas." What does that mean?

6 A. It means that, first of all, documents like we just have
7 seen, the previous document is a report of a surveillance
8 report. I review many reports like this from the Palestine
9 security service. They had surveillance of the Hamas
10 committees. In these documents they identified specific
11 committees and specific activists as Hamas.

12 It can also -- Another aspect of this characteristic is
13 the fact that the Palestinian Authority took actions against
14 specific committees, even though there were actions for short
15 period of time, but the fact that they were taken.

16 Another indication is the fact that the PA decided to
17 shut down or to dissolve specific committees or group of
18 committees. This is also indications. So how the Palestinian
19 review is also -- This is a different angle. It is not an
20 Israeli angle of a point of view. This is a Palestinian point
21 of view of the Palestinian Authority. So I am checking -- Of
22 course it is important to me to see that it is collaborated
23 with what I review from the material.

24 Q. Okay. Let's look at the next one where it says
25 "identified openly as Hamas."

1 A. Okay. It means that in public sources, specific
2 committees or specific activists are identified as Hamas even
3 by Hamas itself. For example, in books when someone they
4 write about, the Islamic Society or the Islamic Center, and it
5 refers to it as Hamas or founded by Ahmed Yassin, for me it is
6 an important source to base my opinion. And there are many
7 publications.

8 Now, I have to differentiate, more publications refer to
9 the Gaza Strip usually, but I can also understand from
10 reaction of the Hamas publicly when they react to PA action,
11 to the Palestinian Authority action against specific
12 committees in the West Bank, of course if the Hamas is
13 demonstrating or angry and protest against these measures, it
14 also indicates the attitude of Hamas towards the specific
15 committees.

16 Q. Okay. All right. The next one says "Items found in the
17 committee," and then you have three sub-points
18 there--"terminology used by Hamas, internal Hamas documents,
19 and materials identified with Hamas." Can you explain what
20 that means?

21 A. Yes. It is separated because -- The first one is
22 terminology used by Hamas. It doesn't say that only Hamas
23 uses this terminology, but it is characterized the Hamas words
24 or phrases that are used by Hamas, and sometimes with violent
25 expressions, talking about jihad, talking about jihad meaning

1 the holy war against the Zionists, it is against the Jews, you
2 can see that in documents. This is the first example.

3 There are other terminology that may be later we can
4 review some of this terminology.

5 Q. Okay.

6 A. Now, the second one is internal Hamas documents. If I
7 review a document that was seized in a specific committee, and
8 that document -- I identify the document as Hamas internal
9 document, like what is the position of the Hamas movement
10 towards something, or inside the discussion of a position of
11 the Hamas, or even pamphlets or brochures of Hamas, it also
12 helps me to determine the nature of the committee, the fact --

13 Q. Let's look at one of -- an example.

14 MS. SHAPIRO: If we can pull up Jenin Zakat No. 1,
15 please. This is the first page of the Arabic.

16 Q. (BY MS. SHAPIRO) Are you familiar with this document?

17 A. Yes.

18 Q. Okay.

19 MS. SHAPIRO: I think the English begins on page 7.

20 Q. (BY MS. SHAPIRO) Generally what is this document about?

21 A. In general it is some kind of suggestion or it is a draft
22 of the Hamas, the plan of Hamas if Israel will withdraw from
23 the Gaza Strip. This is a disengagement plan. The Hamas --
24 This is a draft where Hamas say actually what we should do or
25 what -- This is a proposal that was sent to other institutes

1 of Hamas, including in this case the Jenin zakat committee.
2 And there are even -- the Hamas is asking the position of the
3 institution, "What is your position to our proposal." This is
4 in general.

5 When you read it, of course, they are talking about in
6 the document about the Movement, Rantisi, Yassin. It is an
7 explicit document of Hamas.

8 Q. Okay. So would this be an example of a political
9 document of Hamas?

10 A. Yes.

11 Q. And where was this document found?

12 A. It was found in the zakat committee of Jenin, the
13 charitable committee of Jenin.

14 Q. All right.

15 MS. SHAPIRO: Let's go back to the PowerPoint,
16 please, page 3.

17 Q. (BY MS. SHAPIRO) Okay. What about materials identified
18 with Hamas?

19 A. This is actually the last sub-characteristic that I
20 review. In searches that were conducted by the IDF in the
21 committees, some of the committees that we are talking here
22 today, the IDF found items that easily can be identified with
23 Hamas, including posters, videos, and other items. The fact
24 that these items are in the office, not necessarily even
25 hanging on the wall, but someone just collected them and put

1 it in the office.

2 And when I mean a Hamas item, it means that in these
3 searches, and I review the indexes, there were no other
4 material found that belongs to other movements like Fatah. In
5 the 200 posters that I review, 200 or more maybe, there was
6 only one picture of Yasser Arafat that was seized from some of
7 the committees, not the committees we are talking here today.

8 Q. Let me show you what has been admitted as ICS Hebron No.
9 11. Do you recognize this item?

10 A. Yes.

11 Q. And where was this taken from?

12 A. This was taken from one of the schools in Dura, which is
13 a branch of the Islamic Charitable Society in Hebron.

14 Q. Is that one of the committees that is at issue in this
15 case?

16 A. Yes. It is a subcommittee of the Islamic Charitable
17 Society of Hebron.

18 Q. Okay. And what is this?

19 A. This is an item that was created by a school.

20 MR. DRATEL: I am sorry, Your Honor. I can't see
21 what it is.

22 MS. SHAPIRO: I am sorry. I said it was ICS Hebron.

23 Q. (BY MS. SHAPIRO) Does it appear to be handmade?

24 A. Yes, it was seized in a school by children and it appears
25 handmade.

1 Q. Who is pictured?

2 A. This is Mousa Dudin, one of the commanders of the Izz
3 el-Din al-Quassam Brigades, the military arm of Hamas, and he
4 was in this picture. He was called the hawk of the
5 battalions, the hawk of the Izz el-Din al-Quassam Brigades.

6 Q. All right. Is this a representative -- Is this an
7 example of the types of items that were found inside some of
8 these committees?

9 MR. WESTFALL: Object to leading, Your Honor.

10 THE COURT: Sustained.

11 MS. SHAPIRO: I withdraw the question.

12 Q. (BY MS. SHAPIRO) When you look at these different
13 criteria you may have mentioned earlier, is there any one
14 criteria that is -- you can solely rely on?

15 A. Absolutely not. There is no one criteria that I solely
16 based my opinion upon. Even if there are key leaderships, the
17 key leaders of Hamas in a specific committee, it is not enough
18 for me. I am looking for other criteria to make my opinion.

19 Q. Okay. Now, one criteria that you don't have on this list
20 is whether these committees have a license. Is that something
21 that is important to you?

22 A. It is not important for me. They can be licensed.
23 Actually these zakat committees are licensed. And even though
24 they are licensed by the PA, the PA shut down some of these
25 committees, actually in the final day they shut down totally

1 those committees. So it is not a criteria I can rely on.

2 And I just want to add another -- When we say licensed,
3 that is the waqh. It is an essential department in licensing.
4 And the waqh sometimes itself is controlled by Hamas, so it is
5 not a criteria that I can rely on.

6 Q. Can you define again, because it has been a couple of
7 days, what is the waqh?

8 A. The waqh is the religious actually, the endowment
9 ministry of the PA, and sometimes in several committees there
10 were chairmen that was chairman of the committee and he was
11 also the head of the waqh. And the recommendation of the waqh
12 is sent to the interior ministry of the PA, so, you see, I
13 cannot rely on this criteria.

14 Q. And the fact of going to the committee and asking
15 somebody at the committee whether they are Hamas, whether the
16 committee is Hamas, is that an important requirement in your
17 opinion when you assess these committees?

18 A. Not essentially asking someone. As I said, there is a
19 difference how the committees and the society react to this
20 kind of question if it is in the West Bank or in the Gaza
21 Strip because it is a different situation. I want to review
22 also that the Hamas or if I ask Hamas, if I review court and
23 prosecution files and I see that a societies or committees of
24 Hamas are identified as Hamas, this is also criteria I use.

25 MS. HOLLANDER: Your Honor, I am going to object to

1 any testimony or reliance on prosecution files on the basis of
2 confrontation *Crawford* violation.

3 THE COURT: He hasn't testified to what is in there,
4 and overrule the objection on reliance and looking at those
5 types of documents.

6 Q. (BY MS. SHAPIRO) Okay. Have you ever personally been
7 inside one of those zakat committees?

8 A. No.

9 Q. Okay. And have you seen videotapes depicting things
10 inside the zakat committees?

11 A. Yes.

12 Q. Or videotapes seized from the zakat committees?

13 A. Yes.

14 Q. And are we going to see some of those during your
15 testimony?

16 A. Yes.

17 Q. I would like to turn your attention to some specific
18 committees. And I want to first talk about the Gaza Strip,
19 because I think you said the start of this was in the Gaza
20 Strip. Is that right?

21 A. Yes.

22 Q. Okay. So let's talk about first the Islamic Center or
23 the Islamic Complex. We have talked about it a little bit a
24 couple of days ago.

25 MS. SHAPIRO: Can we bring up Payments to IC Gaza, I

1 believe it is called.

2 Q. (BY MS. SHAPIRO) Okay. This document reflects payments
3 from the Holy Land Foundation to the Islamic Center. Can you
4 read when those payments start?

5 A. On April 26, 1989.

6 Q. Okay.

7 MS. SHAPIRO: And can we go to the end of the
8 exhibit?

9 Q. (BY MS. SHAPIRO) And when do those payments stop?

10 A. August -- It is opposite.

11 Q. July?

12 A. July?

13 Q. 7/28/1994. Is that correct?

14 A. I was looking at -- Okay. I was looking at Hamas
15 designation. Yes, July 28, 1994.

16 Q. Okay. And is this the same Islamic Center that we saw in
17 Demonstrative No. 10 which was the school ceremony?

18 A. Yes. And it is written here Ibrahim al-Yazouri, which is
19 the chairman of the Islamic Center.

20 Q. We will talk about him in a moment.

21 Was this one of the institutions that Sheikh Yassin
22 founded?

23 A. Yes.

24 MS. SHAPIRO: Could we look at HLF Search No. 105,
25 please?

1 Q. (BY MS. SHAPIRO) And this document is entitled "a
2 summary about al-Mojama'a al-Islami." Is that the Islamic
3 Center?

4 A. It is the Islamic Center.

5 Q. I am going to just read a couple of paragraphs.

6 "Al-Mojama'a al-Islami was established on 1998, and initially
7 started its activities as a mosque. It afterward developed to
8 practice religious appeals and educational, cultural, and
9 sport activities.

10 "On 1982, we thought we should focus on the educational
11 part for its deep effect on the preparation process of a
12 faithful generation that can lead to the demanded change, but
13 Israeli occupation prevented us of accomplishing the project.

14 "On 1992, we managed through the sincere effort of
15 faithful people to establish the Islamic kindergarten under
16 secrecy circumstances. It worked to 1995 until the dream of
17 Islamic Modality School that adapts the Islamic education and
18 moral came true."

19 Is this consistent with your earlier testimony about the
20 emphasis on education and kindergartens?

21 A. Yes. I just wanted to correct something. The date here
22 when it was founded, it is not correct. It is 1973, it should
23 be.

24 Q. Okay. Well, this is the document as it was found.

25 Let's look at page 3, where it says, "Aims."

1 "We do concentrate and rely, as we mentioned, on
2 achieving our aims on the Palestinian young generation." And
3 at the bottom it says, "Teaching the martyrs, jailed, needy
4 sons free of charge trying to make up for them."

5 Is that consistent with what we saw in your lifecycle
6 with respect to the support of the special segment of the
7 population.

8 A. This is exactly what the lifecycle meant to
9 emphasize--the concentration in the young generation, the
10 educational institute. And the support of the special segment
11 that were very important to Hamas.

12 Q. Okay. And who is the dominant leader of the Islamic
13 Center?

14 A. Ibrahim al-Yazouri.

15 Q. And did you assist in collecting photographs of certain
16 leaders of the committees we are going to talk about?

17 A. Yes.

18 Q. Could you turn your attention to picture No. 61, please?
19 Do you have that in your binder? If you can look in your
20 binder, otherwise I can bring you the original, binder No. 1.

21 MS. DUNCAN: Your Honor, there was a picture
22 appearing on the screen that wasn't in evidence, but they took
23 it down.

24 Q. (BY MS. SHAPIRO) Do you see that, or do you need me to
25 find it?

1 MS. SHAPIRO: May I approach, Your Honor?

2 THE COURT: Yes.

3 MS. DUNCAN: Your Honor, can we approach for just a
4 moment?

5 THE COURT: Sure. Come on up.

6 (The following was had outside the hearing of the
7 Jury.)

8 MS. DUNCAN: Your Honor, we are concerned that the
9 pictures that are being shown to the witness have the person's
10 name on it, and he is being asked to identify somebody who is
11 already identified.

12 MS. SHAPIRO: He collected them. He is the one who
13 identified them in the first instance, and I didn't get any
14 objection when we told them we were admitting these on the
15 list. We provide it had copies with the names on them.

16 THE COURT: He is going to testify he is the one
17 that collected them?

18 MS. SHAPIRO: Yes.

19 MS. DUNCAN: During the last trial when the
20 Government introduced pictures they would show the witness a
21 picture without the commentary on it, this is so and so, and
22 the Government would add the names. We didn't anticipate they
23 would do this this time with the names on the picture.

24 MS. SHAPIRO: I can cover it up, but he was the one
25 who collect it had wick pictures.

1 MR. JONAS: I think that is the difference. In the
2 last trial it was through Doctor Levitt who brought in these
3 pictures of other people, and Doctor Levitt wasn't the one
4 that collected the pictures the last time. That is the
5 difference.

6 MS. DUNCAN: Your Honor, we would just say that just
7 because this witness has got a bunch of pictures from other
8 people doesn't means he is familiar with the images. If he
9 doesn't know who the people are, it is not enough that someone
10 told him who these people were.

11 THE COURT: I agree. Is he going to testify that he
12 knows who these people are?

13 MS. SHAPIRO: Yes, he knows them all.

14 MS. CADEDDU: I mean, I would object to foundation.
15 Does he know them because he pulled them up somewhere and they
16 had the name underneath them.

17 THE COURT: I think you can ask him about that. If
18 he testifies he knows them, that is your foundation. You can
19 ask him about that on cross.

20 MS. DUNCAN: We ask the Government cover the
21 identification.

22 THE COURT: Why don't you do that.

23 (The following was had in the presence and hearing
24 of the jury.)

25 Q. (BY MS. SHAPIRO) Okay. Did you assist in the collecting

1 of pictures for this case?

2 A. Yes.

3 Q. And with this picture No. 61, are you familiar with the
4 individual depicted in it, without telling me who it is yet?

5 A. Yes.

6 Q. Okay. And are you familiar -- from firsthand knowledge
7 can you recognize the picture that you are seeing?

8 A. Yes.

9 Q. That you are seeing? Okay. Can you identify who is
10 depicted in picture No. 61?

11 A. This is Ibrahim al-Yazouri, the chairman of the Islamic
12 Center of Gaza.

13 Q. Okay.

14 THE COURT: Do you want to offer?

15 MS. SHAPIRO: We would like to offer picture No. 61,
16 please.

17 THE COURT: Counsel?

18 MS. DUNCAN: Your Honor, we have the Same objection.

19 THE COURT: Okay. That is overruled. Picture No.
20 61 is admitted.

21 MS. SHAPIRO: Can we pull up the picture, please?

22 Q. (BY MS. SHAPIRO) This is Ibrahim al-Yazouri?

23 A. This is Ibrahim al-Yazouri.

24 Q. Okay. In the course of preparing your testimony for this
25 case, did you review a recording of -- Let me ask you, before

1 I get to that, is Ibrahim al-Yazouri connected in any way to
2 Hamas?

3 A. He is a senior leader of Hamas.

4 Q. Okay. And when you say senior leader of Hamas, from
5 about what time?

6 A. From its foundation. He was in the group that founded
7 Hamas in the Gaza Strip.

8 Q. Okay. Is he, based on your research, widely known in the
9 community as a leader of Hamas?

10 MR. DRATEL: Objection, Your Honor, to the form of
11 the question.

12 THE COURT: He may state an opinion on that. You
13 may want to rephrase.

14 Q. (BY MS. SHAPIRO) Do you have an opinion based on your
15 research whether he is widely known in the community as a
16 leader of Hamas?

17 A. He is A known leader of Hamas. He is not hiding his
18 affiliation with Hamas.

19 Q. Have you seen public reports to the effect that Ibrahim
20 al-Yazouri is connected to Hamas?

21 A. Yes.

22 Q. Okay. Now, in the course of your testimony, did you
23 review a recording of a television program from 1994 called
24 CBS Eye On America?

25 A. Yes, I reviewed.

1 Q. Did that program allege any connection between the Holy
2 Land Foundation and Hamas?

3 A. Yes.

4 Q. And are you aware of --

5 MS. HOLLANDER: I think we need to approach.

6 THE COURT: Come on up.

7 (The following was had outside the hearing of the
8 Jury.)

9 MS. HOLLANDER: I am just concerned about this based
10 on this hearsay on the Eye On America.

11 MS. SHAPIRO: I think this was exactly what we
12 discussed, and I told them the three questions I was going to
13 ask about this and I thought we were agreed.

14 MS. MORENO: And she is leading. She is testifying
15 and having him agree.

16 THE PANEL MEMBER: You can object to leading. Watch
17 your leading.

18 MS. DUNCAN: What I recall, Ms. Shapiro did identify
19 the questions she was going to ask to the Court, and that --

20 MS. HOLLANDER: Was this one of them? I mean, if
21 this was, it is my fault.

22 MS. DUNCAN: The Court overruled our objection to
23 it.

24 MS. SHAPIRO: We are not playing the video, clearly.
25 The only thing I need to establish is that there was an

1 allegation in that video of a connection between Holy Land and
2 Hamas, and there was a letter-writing campaign that followed,
3 and that letter-writing campaign came from these very
4 committees. And one of them is this committee, and there are
5 several others.

6 THE COURT: And they are addressing that allegation?

7 MS. SHAPIRO: Yes. And so I don't need anything in
8 the video other than that point.

9 THE COURT: So that is why you are leading into
10 that.

11 MS. SHAPIRO: That is why I am just trying to get
12 that out of the way. And I don't want to dwell it. And I
13 don't know what he is going to say, and I don't want him to
14 say anything else about the video.

15 THE COURT: Call his attention to the specific item.

16 MS. SHAPIRO: Yes.

17 THE COURT: I think we discussed that.

18 MR. DRATEL: I will just object on confrontation
19 *Crawford* grounds, because there are custodial statements, and
20 so that is the bases for that allegation in the program.

21 MS. SHAPIRO: We are not going into the allegation,
22 obviously.

23 THE COURT: That is overruled.

24 MS. HOLLANDER: While we are here, I may have
25 misunderstood, but I thought as to the pictures that you

1 agreed that he is supposed to cover the names, but I think the
2 notebook he has has all the names. So if he is looking at a
3 notebook with all the names, we are objecting, because the
4 decision just a few minutes ago was to cover the names.

5 MS. SHAPIRO: I didn't understand that. I thought
6 that it was that I should establish a basis for it. He
7 collected them and identified them, so obviously he knows
8 them.

9 THE COURT: I stated to go ahead and cover the names
10 and see if he can identify them.

11 MS. SHAPIRO: I will do that. I will preview the
12 original and cover the names.

13 THE COURT: How many pictures do you think you will
14 introduce through him?

15 MS. SHAPIRO: There is probably -- For each
16 committee it varies, but between one and maybe eight.

17 THE COURT: What I was thinking is rather than one
18 at a time, just at some point give them to him and let him
19 identify them.

20 MS. SHAPIRO: This one has one picture, the next one
21 has three. And for each committee where there is a group of
22 pictures, and for each committee where there is a group of
23 pictures I will bring all the folders up there and cover the
24 names and just have him seriatim just identify them.

25 MS. HOLLANDER: Perhaps he could not have this

1 folder up there that he is looking at.

2 MS. SHAPIRO: When I get to the pictures, I will
3 bring up the originals and not have him look at the binders.

4 THE COURT: All right.

5 (The following was had in the presence and hearing
6 of the jury.)

7 Q. (BY MS. SHAPIRO) Okay. I think we had talked about that
8 you reviewed a videotape called CBS Eye On America, and I
9 think I asked you whether that videotape had alleged some kind
10 of connection between the Holy Land Foundation and Hamas.

11 A. The answer is yes.

12 Q. Okay. And are you aware that there was a letter-writing
13 campaign that followed that program that came from various
14 committees in the West Bank and Gaza?

15 A. I am aware.

16 Q. Okay. Now, I draw your attention to InfoCom Search
17 No. 58, please. And this document comes from the Mujama'a
18 al-Islami. What is that?

19 A. This is the Islamic Center.

20 Q. Is that the Arabic name for it?

21 A. This is the Arabic name.

22 Q. Okay. And can you read the date on that document?

23 A. 16 October, 1994.

24 Q. And I can read the body of this letter. "Subject: Your
25 attack against HLF.

1 "We condemn you false accusations to the Holy Land
2 Foundation. When you accuse them you accuse us. Our money
3 goes to help innocent Palestinians. We do not support
4 terrorism. We support lives. Your attack against HLF is
5 nothing but Israeli propaganda. You should apologize
6 immediately."

7 And it is signed Dr. Ibrahim al-Yazouri. Is that the
8 same Ibrahim al-Yazouri who you just talked about as being a
9 senior member of Hamas?

10 A. Dr. Ibrahim al-Yazouri was chairman of the Mujama'a
11 Islami. That is the same Yazouri. I identified his picture.

12 Q. "When you accuse them you accuse us." What does that
13 mean to you?

14 A. It means -- To me it means that "we are the same."

15 MR. DRATEL: Objection, Your Honor.

16 THE COURT: Overruled. He may state an opinion on
17 it.

18 Q. (BY MS. SHAPIRO) What was your answer?

19 A. "When you accuse them you accuse us," for me in simple
20 language. It says, "we are the same."

21 Q. Okay. All right. In your opinion are Ibrahim al-Yazouri
22 and the Islamic Center, are they both controlled by Hamas?

23 A. Yes.

24 Q. In other words, is Ibrahim Yazouri Hamas, is the Islamic
25 Center controlled by Hamas?

1 A. Yes.

2 Q. And is part of your --

3 MS. HOLLANDER: This is all leading.

4 THE COURT: Sustained. Rephrase it to where you are
5 not telling him what the opinion is.

6 Q. (BY MS. SHAPIRO) What is it your opinion with regard to
7 the Islamic Center and its affiliation with Hamas or
8 non-affiliation?

9 A. The Islamic Center definitely affiliates to Hamas.

10 Q. Okay. Let's turn to the Islamic Society.

11 MS. SHAPIRO: Could we bring up to payments to
12 Islamic Society of Gaza, please.

13 Q. (BY MS. SHAPIRO) This shows payments from the Holy Land
14 Foundation to the Islamic Society. Can you see when those
15 payments begin?

16 A. The 23rd of November, 1992.

17 MS. SHAPIRO: And can we go to the very end of the
18 document?

19 Q. (BY MS. SHAPIRO) And when do those payments end?

20 A. 23rd August, 2001.

21 Q. Okay. And have you had the opportunity to study the
22 Islamic Society?

23 A. Yes.

24 Q. And what is the common Arabic name for the Islamic
25 Society?

1 A. Al-Jam'iyah al-Islamiya.

2 Q. Do you know who the dominant figures were at the Islamic
3 Society?

4 A. The chairman Ahmad Bahr, a key leader of Hamas, today is
5 a member of the Palestinian parliament from Hamas. He is
6 actually the speaker of Hamas -- of the parliament; a very,
7 very known and senior member of Hamas.

8 Q. And who else?

9 A. Mohammed Bahroud. He used to be the chairman before
10 Ahmad Bahr. Khalil Kuka, he was the chairman until 1988.
11 These three chairmen were Hamas key leaders, Hamas very senior
12 leaders. I would say from the group that founded Hamas.

13 Q. Okay. I am going to show you -- I am going to bring you
14 the originals, and I am going to show you some pictures and
15 see if you can identify them. Okay? I am showing you
16 pictures 62, 63, and 64 and I am just going to cover up the
17 bottom until they are admitted.

18 Can you identify this individual.

19 A. Yes.

20 Q. Who is it?

21 A. Khalil al-Kuka.

22 Q. Okay. And that is picture No. 62. And can you identify
23 this individual?

24 A. Yes.

25 Q. Who is this?

1 A. Ahmad Bahr.

2 Q. And that is picture No. 63. And can you identify this
3 picture?

4 A. Hamad al-Hassanet.

5 Q. And that is picture No. 64. Let me go back to the
6 microphone now.

7 MS. SHAPIRO: Your Honor, move the admission of
8 Picture No. 62, 63, and 64.

9 THE COURT: Same objection?

10 MS. DUNCAN: Yes, Your Honor.

11 THE COURT: Those have been overruled and those
12 pictures are admitted.

13 MS. SHAPIRO: Let's bring up picture No. 62 first.
14 Okay. And you said this was?

15 A. Khalil al-Kuka.

16 Q. And how did you identify him again?

17 A. How do I identify him? As the chairman of the
18 al-Jam'iyah al-Islamiya until 1988, the Islamic Society.

19 Q. The Islamic Society. And does Khalil Al-Kuka have a
20 connection of Hamas?

21 A. One of the founders of Hamas.

22 Q. One of the founders. Okay. And let's look at picture
23 No. 63. Ahmad Bhar is this the Ahmad Bhar you spoke about
24 about being a very prominent leader of Hamas?

25 A. Yes, the same and chairman today, until recently the

1 chairman of the Islamic Society in Gaza.

2 Q. Okay. And let's look at picture No. 64. You didn't
3 mention him earlier. Who is this person?

4 A. Hamad al-Hassanet.

5 Q. And who is he?

6 A. He is a member of the Islamic Society of Gaza. He was
7 also a member of the Islamic Center that we just -- the
8 previous society, was a member of both.

9 Q. Okay. And does he have any connection to Hamas?

10 A. He is again a prominent leader of Hamas, one.

11 Q. Are all three of these people that you just mentioned
12 Al-Kuka, Bhar, and al-Hassanet, in your opinion, based on your
13 research, are they known in the community to be prominent
14 Hamas leaders?

15 MS. HOLLANDER: Objection, Your Honor; leading.

16 THE COURT: Overrule that objection. You may answer
17 that based on your research.

18 THE WITNESS: The answer is yes.

19 MS. SHAPIRO: Could we bring up HLF Foreign Account
20 No. 1, page 228? If we can go to the page before to see the
21 Arabic.

22 Q. (BY MS. SHAPIRO) This is a check. I wanted to show you
23 the Arabic. Let's look at the translation. Do you see here
24 it says pay to the order of Mr. Ahmad Bhar, president of the
25 Islamic Society? And then it is dated, if I can find the

1 date, 12/22/1994. Is this the same Ahmad Bhar?

2 A. This is the same Ahmad Bhar.

3 Q. He was at the Islamic Society in 1994?

4 A. He was the chairman. I just need to see the word in
5 Arabic if it is written. He was the chairman of the Islamic
6 Society.

7 MS. SHAPIRO: Let's go to page 236.

8 Q. (BY MS. SHAPIRO) It says pay to the order of Ahmad Bhar,
9 dated July 30th, 1995. The same Ahmad Bhar, same Islamic
10 Society?

11 A. The same Ahmad Bhar, the same Islamic Society.

12 MS. SHAPIRO: Can we go to page 282, please?

13 Q. (BY MS. SHAPIRO) A check, pay to the order of Mr. Ahmad
14 Bhar, president of the Islamic Society, dated March 26th,
15 1995. Again, same Ahmad Bhar, same Islamic Society?

16 A. Same Ahmad Bhar, the same Islamic Society.

17 Q. Can you please turn in your binder -- You should have a
18 document that is identified as German No. 4. Did you find it?

19 A. I am not sure if this is the correct document.

20 Q. Okay.

21 A. It doesn't have any stamp on it.

22 Q. Let me bring it to you.

23 MS. SHAPIRO: May I approach, Your Honor?

24 THE COURT: Yes.

25 THE WITNESS: Yes, it is the same.

1 Q. (BY MS. SHAPIRO) Without telling us what is in this
2 document, are you familiar with it?

3 A. I am familiar with it.

4 Q. Okay. And generally speaking, can you identify the type
5 of document that it is?

6 A. In general, it is a kind of a commendation letter.

7 Q. Okay.

8 MS. SHAPIRO: Your Honor, we move the admission of
9 German No. 4.

10 MS. DUNCAN: Same objection, Your Honor.

11 THE COURT: That has been overruled. German
12 Document No. 4 is admitted.

13 Q. (BY MS. SHAPIRO) On the first page of this document --
14 first of all, where was this document found?

15 A. It was found in al-Aqsa in Germany.

16 Q. What is the al-Aqsa in Germany, to remind us?

17 A. Al-Aqsa in Germany is a Hamas fund located in Europe. We
18 talked about it when we saw the map. This is one of the major
19 foundations that were located in red on the map.

20 Q. All right. And on the first page of this document, in
21 Arabic there is a seal near the bottom. What does that stamp
22 say?

23 A. That says the signature of the stamp of Sheikh Ahmed
24 Yassin.

25 Q. Let me just to make sure we all remember him. I am going

1 to pull up Demonstrative No. 17. Can you identify where
2 Sheikh Ahmed Yassin is in Demonstrative No. 17?

3 A. Sheikh Ahmed Yassin is in the middle on the top.

4 Q. Okay.

5 MS. SHAPIRO: And if we can turn to page 6 of this
6 document. And if we can blow up the seal again.

7 Q. (BY MS. SHAPIRO) What does it say there?

8 A. This is the stamp of the al-Jam'iyah al-Islamiya.

9 Q. English.

10 A. It is the Islamic Society in the Gaza Strip.

11 Q. Okay. And are Sheikh Yassin and the Islamic Society
12 connected in any way?

13 A. Yes.

14 Q. How so?

15 A. Sheikh Yassin was one of the founders of the Islamic
16 Society in Gaza in 1976, if I remember correct.

17 Q. Okay.

18 MS. SHAPIRO: And let's turn to page 7, the next
19 page.

20 Q. (BY MS. SHAPIRO) And I am just going to read this page
21 for you. "Honorable brothers. Being sent to you is a
22 recommendation from Sheikh Ahmed Yassin and the municipalities
23 permit. Please attach them to the benevolence complex
24 project, the Islamic Society, building Jabalia City branch,
25 that was previously sent to you on Ramadan 18 this year.

1 Thank you, Dr. Mohammed Shihab."

2 And before we go on, let me ask you, do you know who Dr.
3 Mohammed Shihab is?

4 A. One of the Islamic Society members.

5 Q. If we could just momentarily switch to El-Mezain Wiretap
6 No. 1, please, page 150. Here it says -- It is dated May
7 16th, 1995.

8 It says, "Sources from the town of Jabalia near the city
9 of Gaza said that members of the police arrested Dr. Mohammed
10 Shihab from the Hamas movement who is also head of the Islamic
11 Society in town. Shihab had spent about ten years in Zionist
12 occupation prisons."

13 Okay. Is this the same Mohammed Shihab that is mentioned
14 here in this letter or in this recommendation, German document
15 No. 4?

16 A. It is the same Mohammed Shihab.

17 MS. SHAPIRO: Let's go back to German No. 4, page 7.

18 Q. (BY MS. SHAPIRO) "To whom it may concern. I certify
19 that the brothers WHO are in charge of the Islamic Society,
20 Jabalia City branch, are benevolent people working for the
21 service of the Palestinian society in various fields, and that
22 Dr. Mohammed Shihab is the representative of the society and
23 its administration. Thus, I reckon them and God is their
24 reckoner, and over God I praise no one. Since the society is
25 in a rented building, it is in a dire need for a permanent

1 location. We hope from the benevolent people to support the
2 society in order to perform its role and services for our
3 steadfast and content people. In peace be upon you, God's
4 mercy and blessing, Sheikh Ahmed Yassin, founder of the
5 Islamic Resistance Movement, Hamas, Palestine." And it is
6 dated December 22nd, 2000.

7 This letter of recommendation, do you know to whom it was
8 being sent?

9 A. It was seized in the al-Aqsa in Germany, just as I
10 mentioned before.

11 Q. Okay. Let's look on page 9 at the very top. It says
12 here, "It also carries out charitable educational projects and
13 owns a private Islamic kindergarten, al-Nazlah Exemplary
14 Kindergarten, which has room for 280 children and has a
15 variety of intellectual and sports activities."

16 Now, have we -- Are you -- Have you seen any videotapes
17 of kindergartens from the Islamic Society.

18 A. Yes.

19 Q. Okay. Are you familiar with what has been admitted as
20 GOI No. 1? A videotape?

21 A. It is written video, yes.

22 Q. Are you familiar with any kindergarten ceremonies from
23 the Islamic Society?

24 A. Yes.

25 Q. Okay. And I want to play -- The jury has seen the

1 videotape, but I want to play just the first 20 seconds and
2 ask you some questions about it.

3 (Whereupon, a portion of GOI No. 1 was played in open
4 court, while questions were propounded.)

5 Q. (BY MS. SHAPIRO) Do you recognize anybody on the screen?

6 A. In the middle there is Ahmad Bhar the chairman of the
7 Islamic Society.

8 Q. Can you sort of describe where we can find him on this
9 tape?

10 A. If I can point out --

11 Q. What does he look like?

12 A. With the beard and gray dress.

13 Q. Okay.

14 MS. MORENO: Can we have a date on this, please?

15 MS. SHAPIRO: 2001.

16 Q. (BY MS. SHAPIRO) All right. I don't know quite how to
17 point him out.

18 MS. SHAPIRO: May I approach the screen over here,
19 Your Honor?

20 THE COURT: Yes. Or have the witness do it, to
21 point it out.

22 MS. SHAPIRO: May I have permission for him to come
23 down and point him out?

24 THE COURT: Yes.

25 Can the jury see that?

1 Q. (BY MS. SHAPIRO) You are pointing to somebody sort of in
2 the middle? All right.

3 THE COURT: Thank you. You may come back around.

4 Q. (BY MS. SHAPIRO) And that is Ahmad Bhar. Is that the
5 person you identified?

6 A. Yes.

7 Q. Is the same Ahmad Bhar we have been discussing?

8 A. Yes.

9 Q. Let's continue.

10 MS. SHAPIRO: Can we stop for a moment? Is there
11 any way to back it up just a tiny bit? Right there.

12 Q. (BY MS. SHAPIRO) Okay. Have you reviewed any
13 photographs that were taken from the computers of the Holy
14 Land Foundation?

15 A. Yes.

16 Q. Okay. And have you seen any photographs that look like
17 what we are seeing here on the screen?

18 A. I have seen photographs that was taken from the same
19 ceremony.

20 Q. Okay. I am going to --

21 MS. SHAPIRO: Can I have the elmo for a moment,
22 please? HLF Search No. 51, photograph No. 114.

23 Q. (BY MS. SHAPIRO) Does this appear to be the same
24 ceremony?

25 A. It is the same ceremony, and it was also the picture was

1 published on the internet site of the Islamic Society.

2 Q. Okay. And you talked earlier about how some of the
3 societies have their own internet sites. Right?

4 A. Correct.

5 Q. Is Islamic Society one of them, then?

6 A. One of them, yes.

7 Q. All right.

8 MS. SHAPIRO: Now, can I have, please, InfoCom
9 Search No. 60?

10 MS. HOLLANDER: Did you say where HLF No. 51 was
11 seized, please?

12 MS. SHAPIRO: HLF Search No. 51 was seized from the
13 Holy Land computers in Chicago.

14 MS. HOLLANDER: Thank you.

15 Q. (BY MS. SHAPIRO) Okay. This is another letter in
16 response to CBS Eye On America It says the Islamic Society.
17 And can you tell from this whether it is the same Islamic
18 Society we are talking about?

19 A. It is the same Islamic Society.

20 Q. Okay. "We condemn your false accusations to the Holy
21 Land Foundation. When you accuse them you accuse us. Our
22 money goes to help innocent Palestinians. We don't support
23 terrorism. We support lives. Your attack against HLF is
24 nothing but Israeli propaganda. You should apologize
25 immediately. Headmaster of the Islamic Society, Ahmed

1 Mohammed Bhar."

2 Is this the same Ahmad Bhar that we have been discussing?

3 A. Yes, it is the same Ahmad Bhar.

4 Q. And this is dated 1994. Is that right?

5 A. That is right.

6 Q. Okay. And the video that we saw where you pointed out
7 Ahmad Bhar in the audience, what year was that?

8 A. 15th of July, 2001.

9 Q. Okay.

10 A. The ceremony.

11 Q. Right. Was Mr. Bhar, was he with the Islamic Society all
12 the way from 1994, the date of this letter, through 2001 the
13 date of that ceremony?

14 A. Yes.

15 Q. Okay. Again, when it says in this letter "when you
16 accuse them you accuse us," in your opinion what does that
17 mean to you?

18 A. Again, it is simple language. It says, "We are the
19 same." But when you show me this document and with the
20 previous document, the same, it is an example of the closed
21 network that I was seeing.

22 Q. Okay.

23 MS. SHAPIRO: Can we bring up picture No. 63 again?

24 Wrong one. Sorry. Try picture --

25 Q. (BY MS. SHAPIRO) Let me ask you without the picture.

1 You mentioned Hamed Hassanat. And can you tell us, just
2 remind us again who he was within the Islamic Society?

3 A. He was a member of the board of the Islamic Society and
4 also for the Islamic Center.

5 Q. For the Islamic Center -- for both?

6 A. For both.

7 Q. Okay. And did you say that he also had a connection to
8 Hamas?

9 A. Senior member of the Hamas.

10 Q. Senior member of the Hamas.

11 MS. SHAPIRO: Okay. I would like to play HLF Search
12 No. 75, clip F.

13 (Whereupon, HLF Search No. 75, Clip F was played in
14 open court, while questions were propounded.)

15 Q. (BY MS. SHAPIRO) Can you identify this person?

16 A. This is Hamed Hassanat like was shown in the picture. It
17 is the same Hamed Hassanat.

18 Q. Continue.

19 He says he is the deputy chairman of the Islamic Society.
20 Do you know about what year this is?

21 A. 1993.

22 Q. And you know that because?

23 A. This is the deportees camp.

24 Q. Okay. Was that 1993 or 1992?

25 A. It could be 1992 because the deportation was in December

1 1992, so it must be -- I don't know exactly when it was taken,
2 but this is the period of time.

3 Q. Okay. All right. Continue.

4 Did the Islamic Society have various branches?

5 A. Yes.

6 Q. Okay.

7 A. Jabalia and Nusseirat, like you said, he was the head of
8 the office in the Nusseirat camp.

9 Q. Can you spell that for us?

10 A. N-U-S-S-E-I-R-A-T.

11 Q. Okay. Thank you. Go ahead.

12 Do you see a reference to kindergartens here.

13 A. The Islamic Society opened many kindergartens it just
14 said in the video.

15 Q. Did they have kindergartens at different branches as
16 well?

17 A. Yes.

18 Q. Okay. Continue.

19 MS. SHAPIRO: Can we bring up IS/Islamic Society
20 Gaza summary.

21 Q. (BY MS. SHAPIRO) This is a summary exhibit in evidence
22 of the evidence in this case connected to these particular
23 people. And can you just go through the top row here and see
24 if we recognize any of the names from what we have just talked
25 about. The first name is Ahmad Bhar?

1 A. Ahmad Bhar the chairman of the Islamic Society.

2 Q. Okay. And who is Muhammad Baroud?

3 A. He is Also a member and was chairman before Ahmad Bhar.

4 Q. And Khalil Al-Kuka.

5 A. Khalil Al-Kuka was the chairman of the Islamic Society
6 until 1988.

7 Q. And Hamad al-Hassanet?

8 A. Was the head of one of the branches in Nusseirat of the
9 Islamic Society.

10 Q. And Do you know who Ismail Haniya is?

11 A. Ismail Haniya is the Hamas -- the prime minister of the
12 Palestinian Authority from Hamas today.

13 Q. He is on our board, too. Do you recognize him on
14 Demonstrative No. 17?

15 A. Yes, on the bottom row the second from the left. Ismail
16 Haniya was the assistant for Ahmed Yassin, one of the leaders
17 for Hamas.

18 Q. You are pointing to this picture here?

19 A. Exactly.

20 Q. Okay. In your opinion, from the years 1995 to 2001 did
21 the Islamic Society have any connection to Hamas?

22 A. The Islamic Society was a Hamas society in this period of
23 time.

24 Q. During that period of time was the Islamic Society part
25 of the Hamas social wing, in your opinion?

1 A. Yes.

2 Q. I am going to move to the al-Salah Society. In the
3 course of your research have you had the opportunity to study
4 the al-Salah Society?

5 A. Yes.

6 Q. And who is the dominant figure at the al-Salah Society?

7 A. The al-Salah Society was founded by Alfi Kokud, but the
8 dominant figure there is Ahmad al-Kurd.

9 Q. Let me show you what has been marked for identification
10 as --

11 MS. SHAPIRO: May I approach, Your Honor.

12 THE COURT: Yes.

13 Q. (BY MS. SHAPIRO) I am showing you what has been marked
14 for identification as picture No. 65, showing you the original
15 and just showing you the picture itself, can you identify this
16 individual?

17 A. This is Ahmad al-Kurd, the chairman of al-Salah.

18 MS. MORENO: Your Honor, may we approach, please?

19 THE COURT: Yes.

20 (The following was had outside the hearing of the
21 Jury.)

22 MS. MORENO: Your Honor, now what the Government is
23 doing is she is asking the witness, do you know who this
24 gentleman is, and he says yes, then she goes and gives him the
25 picture. It is like an open book exam. She hasn't cured the

1 problem. I would ask just, like when the Defense has got to
2 get a picture in, just put the picture before the witness and
3 say, "Do you know who that is," instead of giving this
4 introductory identification that she consistently does.

5 MS. SHAPIRO: I have no problem with that. He can
6 identify all of these pictures.

7 MS. MORENO: He hasn't done it yet.

8 (The following was had in the presence and hearing
9 of the jury.)

10 MS. SHAPIRO: Your Honor, I move the admission of
11 Picture NO. 65.

12 THE COURT: Same objection?

13 MS. MORENO: Same objection.

14 THE COURT: That has been overruled. Picture No. 65
15 is admitted.

16 Q. (BY MS. SHAPIRO) Do you recognize this individual?

17 A. Yes.

18 Q. And do you know when he joined the al-Salah Society?

19 A. He joined in the '80s. I am not sure I know exactly what
20 year in the '80s, but in 1992 I can identify him as the
21 chairman of al-Salah.

22 Q. Okay. So by 1992 you are certain that Ahmad al-Kurd is
23 there?

24 A. Yes.

25 MS. SHAPIRO: Can we look at payments to al-Salah

1 Society, please?

2 Q. (BY MS. SHAPIRO) When do you see the first payment to
3 the al-Salah Society?

4 A. The 23rd of November, 1992.

5 Q. Okay.

6 MS. SHAPIRO: And let's look at the last payment.

7 Q. (BY MS. SHAPIRO) Do you see when the last payment was?

8 A. March 3rd, 1999.

9 Q. Okay.

10 MS. SHAPIRO: And can we bring up HLF Foreign Bank
11 Account No. Page 71?

12 Q. (BY MS. SHAPIRO) This is another check, and it is dated
13 July 18th, 1994, pay to the order of Mr. Ahmad al-Kurd,
14 president of the al-Salah Islamic Society. Is that the same
15 Ahmad al-Kurd and the same Islamic Society?

16 A. The same Ahmad al-Kurd, the same Islamic Society.

17 MS. SHAPIRO: Can I have El-Mezain Wiretap No. 1,
18 please, page 90?

19 MR. DRATEL: The date of this, please?

20 MS. SHAPIRO: I don't know.

21 MR. DRATEL: The page before has it.

22 MS. SHAPIRO: The date is December 17, 1994. Let's
23 go to the next page.

24 Q. (BY MS. SHAPIRO) It says, "Zionist papers mentioned that
25 the behavior of the occupation" -- Let me make sure I am on

1 the right page. I think this is actually the wrong page.

2 Hold on, please.

3 MS. SHAPIRO: One moment, Your Honor.

4 THE COURT: All right.

5 MS. SHAPIRO: I will move on. I have the wrong page
6 in my notes, so I have the wrong reference.

7 Can we go to InfoCom Search No. 62, please?

8 Q. (BY MS. SHAPIRO) And up here on the corner it says
9 al-Salah Islamic Association Gaza Strip. Is it the same
10 organization that we have been talking about?

11 A. Yes.

12 Q. And who is this letter -- Again, it is a letter to CBS.
13 Is that right?

14 A. It says, yes.

15 Q. And it starts with, "We have learned that your report on
16 October 3rd accused the Holy Land Foundation of diverting
17 money to terrorists." And who is this signed by?

18 A. Director manager Ahmed al-Kurd.

19 Q. And is this the same Ahmed al-Kurd?

20 A. Yes.

21 MS. SHAPIRO: Can you show us, please, the summary,
22 al-Salah Summary?

23 Q. (BY MS. SHAPIRO) Okay. Again, this is a summary exhibit
24 of evidence in this case. Can you look at the name on the
25 top, and what name do you see up at the top of the summary?

1 A. Ahmed al-Kurd.

2 Q. Same Ahmed al-Kurd?

3 A. It is the same Ahmed al-Kurd.

4 MS. SHAPIRO: Can we look at page 3 of the summary,
5 please?

6 And can we go to El-Mezain Wiretap No. 1, page 20,
7 please?

8 Q. (BY MS. SHAPIRO) Okay. And does this document mention
9 the al-Salah Society, the al-Salah Islamic Society? Do you
10 see al-Salah Society?

11 A. I am just --

12 MS. SHAPIRO: Blow up the second paragraph. Okay.

13 THE WITNESS: Yes, the al-Salah Islamic Society.

14 MS. SHAPIRO: Can we go to El-Mezain Wiretap No. 1,
15 page 80, please?

16 Q. (BY MS. SHAPIRO) And that is November 27th, 1994.

17 MS. SHAPIRO: And let's blow up the last paragraph.

18 Q. (BY MS. SHAPIRO) It says, "Al-Salah Islamic Society in
19 the Gaza Strip announced that it will sponsor families and
20 victims of bloody confrontations which took place in the Gaza
21 Strip this November 18th. Sheikh Ahmad al-Kurd, head of the
22 Society, said that, quote, his organization decided to sponsor
23 the children of all the martyrs killed during the events of
24 sad Friday, unquote. Al-Kurd also pointed out that his
25 society supports hundreds of families of martyrs. It is worth

1 mentioning that the society is closely associated with the
2 Hamas movement."

3 In your opinion, is the al-Salah Society closely
4 associated with the Hamas movement?

5 A. Yes.

6 Q. Okay. And in your opinion, during the years 1995 to 2001
7 is the al-Salah Society part of the Hamas social wing?

8 A. That is my opinion.

9 Q. Okay. In preparation for your testimony, did you prepare
10 a demonstrative exhibit that addresses the three organizations
11 that we have just discussed in the Gaza Strip?

12 A. Yes.

13 MS. SHAPIRO: Your Honor, I move to admit
14 Demonstrative No. 23, please.

15 MS. DUNCAN: Same objections, Your Honor.

16 THE COURT: Okay. And that is overruled, and
17 Demonstrative No. 23 is admitted.

18 Q. (BY MS. SHAPIRO) can you just briefly tell us what we
19 are seeing here?

20 A. We see three Hamas social institutions.

21 Q. It is on the screen. All right.

22 A. I can see three Hamas institutions in Gaza, major
23 institutions in Gaza founded and controlled by Ahmed Yassin as
24 the leader and founder of Hamas. The key leaders of these
25 societies, as we can see, Ibrahim al-Yazouri, Khalil Al-Kuka,

1 Ahmad Bhar, Hamed al-Hassanat, and Ahmad al-Kurd are leaders
2 of Hamas that take key positions in these three Hamas
3 societies.

4 Q. Okay. Thank you.

5 I would like to move to the West Bank and talk about some
6 of the committees there.

7 THE COURT: Is this a good place to break? Let's
8 take about a 20-minute break. And be back at 20 till.

9 (Whereupon, the jury left the courtroom.)

10 THE COURT: We will be in recess. Be back at 20
11 till.

12 (Brief Recess.)

13 THE COURT: Ms. Shapiro?

14 MS. HOLLANDER: Your Honor, may we approach?

15 THE COURT: Sure. Come on up.

16 (The following was had outside the hearing of the
17 jury.)

18 MS. HOLLANDER: Your Honor, in his direct he
19 mentioned an index that he looked at and he said -- You know,
20 he looked at an index of all the zakat committees and what
21 they found, and "I only saw one picture of Yasser Arafat."
22 Under Rule 612, that is something that he used to refresh his
23 memory before testifying. And the rule is that in your
24 discretion. It is different than what he uses when he is
25 testifying, which is automatic that we get it. But when he

1 uses something before he testifies, it is, of course, in the
2 Court's discretion--I am reading from the rule--"to determine
3 if it is necessary in the interest of justice that the adverse
4 party is entitled to have the writing produced, a hearing to
5 inspect and cross examine the witness and introduce those
6 portions that relate to the testimony."

7 Now, in this case the Defense has not been able to look
8 at the whole treasure trove that he has looked at, has not
9 been able to get this information. He has now used it, he has
10 discussed it. There is no way we can confront him or cross
11 examine him whether he is telling the truth about this without
12 looking at that index. And we believe that we are entitled to
13 have it now because he specifically raised it, and --

14 THE COURT: Let's discuss this at the lunch break.
15 We have a little bit more time. I don't want to keep the jury
16 waiting too long. He will be on longer, so remind me at the
17 lunch break.

18 (The following was had in the presence and hearing
19 of the jury.)

20 The court: Ms. Shapiro?

21 Ms. shapiro: Thank you, Your Honor.

22 Q. (BY MS. SHAPIRO) Sir, I am going to turn your attention
23 now to the West Bank and to the Jenin zakat committee. Have
24 you had the opportunity to research and study the Jenin zakat
25 committee?

1 A. Yes.

2 Q. Okay.

3 MS. SHAPIRO: Your Honor, I would move to admit Map
4 No. 1. I don't believe there is any opposition to it.

5 MS. DUNCAN: We have no objection, Your Honor.

6 THE COURT: Map No. 1 is admitted.

7 Q. (BY MS. SHAPIRO) I am showing you a map of just the West
8 Bank blown up. Can you point out on the map where Jenin is?

9 A. Jenin is a city in the northern West Bank here.

10 Q. Okay. In the north of the West Bank?

11 A. Yes.

12 MS. SHAPIRO: Can we bring up payments to Jenin
13 zakat, please?

14 Q. (BY MS. SHAPIRO) Can you see when payments began to
15 the -- These were payments from the Holy Land Foundation to
16 the Jenin zakat committee. The Beginning of those payments?

17 A. It is --

18 Q. I think it is May.

19 A. May 1st, just opposite from the way we --

20 Q. Right.

21 A. Okay.

22 Q. The month is the first number here.

23 A. Yes.

24 Q. May 1st, 1991. Is that right?

25 A. Yeah, correct.

1 Q. Okay. And if we go to the end of the document, when do
2 we have the last payment to the Jenin zakat committee?

3 A. October 11, 2001.

4 Q. October 11, 2001. All right.

5 I am going to show you a collection of photographs, and I
6 am going to ask you to identify them one by one. And I will
7 bring them to you. These are pictures No. 61 through 65.

8 MS. SHAPIRO: I am sorry. That is the wrong batch,
9 Your Honor. One moment, please.

10 Q. (BY MS. SHAPIRO) Now I am going to show you pictures 21
11 through 27. Again, I am going to show you just the
12 photograph, and ask you to identify each one.

13 This is picture No. 21. Can you identify who this is?

14 A. This is Mohammad Fuad Abu Zeid.

15 Q. Okay. Picture No. 22, can you identify that individual?

16 A. Zeid Zakarneh.

17 Q. Picture No. 23 can you identify this person?

18 A. Ahmed Salatneh.

19 Q. Picture No. 24?

20 A. Ziyad Abdel Ghani Issa.

21 Q. Picture No. 25?

22 A. Nasser Jarrar.

23 Q. All right. And picture No. 26?

24 A. Jammal Abu al-Hija.

25 Q. And picture No. 27?

1 A. Ibrahim Jaber.

2 Q. All right.

3 MS. SHAPIRO: Your Honor, I would move the admission
4 of pictures 21 through 27.

5 THE COURT: Same objections?

6 MS. HOLLANDER: Yes, sir.

7 THE COURT: Those have been overruled. Those
8 pictures are admitted.

9 Q. (BY MS. SHAPIRO) Did you prepare a demonstrative exhibit
10 that collects the pictures of all these individuals into one
11 poster?

12 A. Yes.

13 Q. And did you assist in the creation of that demonstrative?

14 A. Yes.

15 MS. SHAPIRO: We move to admit Demonstrative No. 28,
16 please.

17 THE COURT: Counsel?

18 MS. DUNCAN: Same objection, Your Honor.

19 THE COURT: And that is overruled. Demonstrative
20 No. 28 is admitted.

21 Q. (BY MS. SHAPIRO) Okay. We are going to talk about some
22 of these individuals. Can you tell me who Mohammed Fuad Abu
23 Zeid is, the first picture on the left side?

24 A. Mohammed Fuad Abu Zeid is a member of the Jenin zakat
25 committee, one of the founders of Hamas in the West Bank,

1 senior Hamas leader, and also a member of the parliament from
2 Hamas. Mohammed Fuad Abu Zeid.

3 Q. What about Zeid Zakarneh?

4 A. Zeid Zakarneh is the chairman of the Jenin zakat
5 committee. He is a Hamas activist. He is Hamas.

6 Q. And Ahmad Salatneh?

7 A. Ahmad Salatneh is a Hamas activist, a former Izz el-Din
8 al-Quassam Brigades member.

9 Q. And remind us what Izz el-Din al-Quassam brigades means.

10 A. It is the military arm of Hamas. And he was the manager
11 of -- the administrative manager of the Jenin zakat committee
12 since 1997.

13 Q. Okay. And Ziyad Abdel Ghani Issa?

14 A. Ziyad Abdel Ghani Issa is a member of the Jenin zakat
15 committee and also a Hamas member.

16 Q. And Nasser Jarrar?

17 A. Nasser Jarrar is a member of the Jenin zakat committee.
18 He was in charge on the orphan department of the zakat
19 committee of Jenin, and also he was the head of the military
20 wing in Jenin area, in the Jenin area.

21 Q. When you say military wing, do you mean the military wing
22 of Hamas?

23 A. Military wing of Hamas.

24 Q. Okay. And Jamal Abu al-Hija?

25 A. Jamal Abu al Hija, since 1995 he was in charge of the

1 Quran centers and the educational institutions of the zakat
2 committee of Jenin, and he was also one of the commanders of
3 the Hamas military wing in the northern West Bank.

4 Q. And Ibrahim Jaber?

5 A. Ibrahim Jaber, he is a worker in the orphan department of
6 the Jenin zakat committee. He worked with Nasser Jarrar, and
7 also was a member former member of the Izz el-Din al-Quassam
8 Brigades, which is the military arm of Hamas.

9 Q. Were there other people who were on the part of or
10 members of the Jenin zakat committee other than these seven?

11 A. Yes.

12 Q. Do you have any idea how many there might have been?

13 A. I am not sure how many, but this is the other members of
14 Hamas, like Yassin al-Sadi like Adeeb Aboushi both were
15 signatures, were not -- They didn't make me to form the
16 opinion about the Jenin zakat committee. I was concentrating
17 on these figures, even though there are more Hamas members in
18 the committee.

19 Q. And Does it matter to you if there is a member of the
20 committee who is not Hamas? Is that important for you to
21 consider?

22 A. If a member of the committee -- It could be. It could be
23 that a member or even members of other are non-Hamas, they can
24 be members of the committee, but it doesn't change my mind.

25 And of course, this is not the only criteria. It can be

1 if the -- Sorry. If this slide of the key leaders of key
2 Hamas leaders were the only one without any other support from
3 other criteria, I wouldn't say it is Hamas, so it has to
4 cooperate with other criteria.

5 Q. And when you look at the people on the committee, what
6 are you focusing on in particular?

7 A. I am focusing on those who are in the case of Jenin the,
8 chairman Mohammed Fuad Abu Zeid the mufti of Jenin, a very
9 known person in the Jenin area. I am looking at Jamal Abu
10 Hija, a spokesman of Hamas, Nasser Jarrar, very senior leaders
11 of Hamas.

12 Q. And what kinds of positions do they occupy? What kind of
13 positions do they occupy within the Jenin zakat committee?

14 A. Zeid Zakarneh is the chairman of the Jenin zakat
15 committee. Ahmed Salatneh since 1997 is the administrative
16 manager of the committee of Jenin. Jamal Abu Hija was in
17 charge since 1995 on one of the important departments of the
18 Jenin zakat committee, the department that deals with
19 education. He was himself, he was responsible for educational
20 institutions. Nasser Jarrar, also a very important figure,
21 because he was in charge on the orphan department of the Jenin
22 zakat committee.

23 Q. Okay. And you mentioned that some of these people had
24 been in the Izz el-Din al-Quassam brigades.

25 A. Yes.

1 Q. I want to identify the time periods. Do you know
2 when -- Were they part of the military wing of Hamas at the
3 same time that they were on the committee or at a different
4 time?

5 A. I will review each one of them.

6 MS. SHAPIRO: Your Honor, if I may approach the
7 demonstrative?

8 THE COURT: Yes.

9 Q. (BY MS. SHAPIRO) I want to just mark and put a sticker
10 next to the person on the demonstrative who has a connection
11 to the military wing of Hamas. Okay? So if you can just
12 indicate them.

13 A. Okay. Ahmad Salatneh was working in the committee since
14 1988, and he was a member of Izz el-Din al-Quassam until 1993
15 where he was in prison until 1996 because of his activity in
16 the Izz el-Din al-Quassam Brigades. And after that he became
17 the administrative manager of the committee.

18 Q. So I am going to put a sticker next to him.

19 Is there anybody else -- Who were the other people you
20 mentioned who had connections to the military branch of Hamas?

21 A. I mentioned Ibrahim Jaber who used to work in the orphan
22 department, and was also a member of the military wing of
23 Hamas until 2002. I am not sure when it began; 1997 or 1998.
24 But he was arrested in 2002.

25 Q. Okay. That is Ibrahim Jaber?

1 A. Ibrahim Jaber.

2 Q. Okay. And what about Jamal Abu al-Hija?

3 A. Jamal Abu al-Hija, he was the head and the spokesman for
4 Hamas and responsible in -- he worked in the committee since
5 1988 or 1989. I just don't remember the exact year.

6 Q. Was he -- I am sorry. I didn't mean to interrupt. Was
7 he one of the ones you identified as being connected to the
8 military?

9 A. Yes. I am getting into it.

10 Q. I am sorry.

11 A. So all this time until 2002 he was the head of Hamas, and
12 since 1995 he was the leader of Hamas in the Jenin area and
13 also responsible for the military activity since the Intifada
14 began. I mean the second struggle with Israel.

15 Q. When you say the Intifada, are you referring to the first
16 or the second Intifada?

17 A. The second Intifada.

18 Q. When was that?

19 A. 2000. At that time he took -- He became a leader of the
20 military wing of Hamas until he was arrested in 2002.

21 Q. So can I put a sticker next to him?

22 A. You can put a sticker, yes.

23 Q. Anybody else?

24 A. Nasser Jarrar. Nasser Jarrar, he was the orphan
25 department. He was also an employee in the zakat Jenin since

1 1988, and he worked until 2002. He was the military commander
2 of the Jenin city itself.

3 Jamal Hija was in the area of Jenin.

4 Q. When you say military commander, do you mean military
5 commander of Hamas?

6 A. Of Hamas, of the Izz el-Din al-Quassam, until he died in
7 August 2002. So again from the beginning of the second
8 Intifada until his death in August. I think it was 14th of
9 August, 2002.

10 Q. Can I put a sticker by his name?

11 You said earlier sometimes Hamas itself identifies people
12 as one of its own. Are there any people on the Jenin zakat
13 committee on this demonstrative who Hamas has publicly
14 acknowledged as associated with Hamas?

15 A. I can name at least three names. It is Mohamed Fuad Abu
16 Zeid.

17 Q. I am going to put a different colored sticker next to
18 them.

19 A. Nasser Jarrar, and Jamal Abu Hija.

20 MS. SHAPIRO: Can I pull up, please, Defense Exhibit
21 No. 1401? Could I get the translation, please, on the next
22 page?

23 Q. (BY MS. SHAPIRO) This is a letter to the Holy Land
24 Foundation from the Jenin zakat committee dated September
25 1996, and it is signed by your brother Fawaz Hamad. Are you

1 familiar with that person?

2 A. Fawaz Hamad is also a member of the zakat committee of
3 Jenin, and in the middle of the '90s he became -- I am not
4 sure about the date, but he was the administrative manager of
5 the al-Ghazi hospital.

6 Q. And the al-Razi hospital was that affiliated with the
7 Jenin zakat committee?

8 A. Yes. It was affiliated with the zakat Jenin, yes.

9 Q. And does Fawaz Hamad have any connection to Hamas?

10 A. He is a Hamas member all this period of time.

11 MS. SHAPIRO: And can I bring up the summary of
12 Jenin zakat, please?

13 Q. (BY MS. SHAPIRO) Again this is another of these
14 summaries that summarizes the evidence of connections between
15 these people and the Holy Land Foundation. And I just want to
16 go through the names up here and see if we have talked about
17 any of them or if you recognize any of them.

18 Fawaz Hamad.

19 A. Fawaz Hamad, member of the committee and administrative
20 manager of the al-Ghazi hospital which belonged to the Jenin
21 committee.

22 Q. I just want to review if any of these same names are here
23 on your chart or you know them.

24 Zeid Zakarneh, does he appear in your demonstrative?

25 A. You mean -- Okay.

1 Q. Can you see this?

2 A. Yes, yes. Yes, Zeid Zakarneh appears.

3 Q. Okay. And the next name, what is the next name on this
4 list?

5 A. Ahmed Salatneh.

6 Q. Does he appear?

7 A. He appears, yes.

8 Q. Mohammed Abu Zeid?

9 A. Mohammad Fuad Abu Zeid. I just want to correct
10 something. I am not sure. I think I made a mistake. He is
11 not a PLC member. He is not a member of the Hamas parliament.
12 I said it before, and I think it was --

13 Q. Which person are you talking about now?

14 A. Mohammad Fuad Abu Zeid. He was the mufti of Jenin and
15 one of the founders of Hamas in the Jenin area, one of the
16 founders, but he was not elected to the parliament.

17 Q. Okay. What is the next name there?

18 A. Adeb Aboushi is a signature, and I think he was the
19 secretary of the zakat committee of Jenin.

20 Q. Okay. Does he have any connection to Hamas?

21 A. Yes, Hamas member.

22 Q. And what is the next name?

23 A. Ziyad Abdel Ghani Issa, a member of the zakat committee
24 of Jenin.

25 Q. Does he appear on your demonstrative there?

1 A. Yes.

2 Q. And the next name?

3 A. Walid Jarrar. Walid Jarrar is a member of the zakat
4 committee of Jenin, also on the board of the al-Ghazi hospital
5 that belongs to the zakat committee in Jenin, and also the
6 brother of Nasser Jarrar who appears on the bottom row, the
7 left one.

8 Q. Do you know whether he has any connection to Hamas?

9 A. Yes, he is a Hamas activist. He is a member of Hamas.

10 Q. And who is the last name on this list?

11 A. I am not sure -- Naser Yusef, I am not sure I recognize
12 him. I don't know who it is.

13 Q. Okay. And remember you said there were other members on
14 the committee besides the group that we have discussed?

15 A. There are other members. Some of them Hamas. I am not
16 sure how many members were at that period of time of 1995 and
17 2001 because there were changes. I remember Amin al-Olani for
18 example, a treasure and signatory in the committee, also Hamas
19 activist, but he was a less dominant figure. But he is not
20 one that I am basing my opinion upon.

21 Q. Okay. And what was the criteria or why did you collect
22 these particular people in your demonstrative?

23 A. Well, I focused on those who were key, had key positions
24 in the committee, key position like chairman, like the head of
25 an important department of the specific committee, and also

1 key leaders of Hamas in the area, like Mohammad Fuad Abu Zeid,
2 like Jamal Abu Hija was a spokesman for Hamas and also
3 military, an Izz el-Din al-Quassam leader. And also Nasser
4 Jarrar also. And Zeid Zakarneh is respected and known in
5 Jenin and is a chairman of the committee.

6 MS. SHAPIRO: Could we bring up Jenin Zakat Account
7 No. 1 page 2, please? Page 2 of the translation. No, I am
8 sorry. It is Jenin Zakat Account.

9 One moment, please, Your Honor?

10 THE COURT: Yes.

11 MS. SHAPIRO: I think we found it.

12 Q. (BY MS. SHAPIRO) Okay. These are bank records showing
13 the opening signature cards for the Jenin zakat committee.
14 Can you just review the names on those accounts and see if we
15 recognize them, you recognize them?

16 A. Is it possible to --

17 Q. Make it bigger?

18 A. Yes. The first one is Adeeb Lufti Aboushi, secretary of
19 the committee.

20 Q. And we spoke about him?

21 A. I spoke about him.

22 Q. The next one, who is this?

23 A. Zeid Mahmoud Zakarneh. It is written here he is the
24 chairman. And although there is no full name, probably the
25 Ahmad name is maybe one of the relatives or the name of the

1 family.

2 Q. Do you know who this person is?

3 A. Yes. This is the chairman Zeid Mahmoud Zakarneh. I also
4 recognize his signature. I saw this signature from other
5 documents.

6 Q. Does he appear on your demonstrative?

7 A. Yes.

8 Q. Where is he?

9 A. He is the second from the left on the upper row, Zeid
10 Zakarneh.

11 Q. Okay. And the next name?

12 A. Waleed Khaled Jarrar, a member of the zakat committee. I
13 have spoke about him.

14 Q. Is he the person that you said is the brother --

15 A. He is the brother of Nasser Jarrar, yes.

16 MS. SHAPIRO: Could we bring up HLF Search No. 109,
17 please, page 143?

18 Q. (BY MS. SHAPIRO) I am just going to read the second
19 paragraph here. It says, "The occupation authorities also
20 arrested many ranking personalities and figures and sentenced
21 them to various administrative sentences. The most ranking
22 among those are Sheikh Mohammed Fuad Abu Zeid." He is
23 the -- Where does he appear on your demonstrative?

24 A. He is the first one on the upper row, the first from the
25 left, Mohammed Fuad Abu Zeid.

1 Q. And this exhibit is from a book that was found in the New
2 Jersey office of the Holy Land Foundation.

3 What is the second name after Sheikh Mohamed Fuad Abu
4 Zeid?

5 A. Sheikh Bassam Jarrar. He is not here. He relates to
6 another zakat committee.

7 Q. Is there anybody else that relates to the Jenin zakat
8 committee, or is it just Mohammad Fuad Abu Zeid?

9 A. There are several leaders from other committees, but not
10 from the zakat Jenin committee.

11 Q. Okay. Thank you.

12 MS. SHAPIRO: I would like to now play InfoCom
13 Search No. 78, clip D.

14 (Whereupon, InfoCom Search No. 78, Clip D, was
15 played, while questions were propounded.)

16 Q. (BY MS. SHAPIRO) Is that the same Mohammad Fuad Abu Zeid
17 that we talked about in the demonstrative?

18 A. It is the same Mohammed Fuad Abu Zeid. And there is
19 another sentence that disappeared quickly. He used to be the
20 head of the waqf in Jenin, or the deputy waqf. He was in the
21 waqf from the Jenin that should -- that supervises zakat
22 committee of Jenin when I just talked before about leaders of
23 the zakat committee that are also part of the waqf, so he is
24 one of them. I am not sure until what year exactly he was
25 there, but during the '90s he was there.

1 Q. And the waqh, if you could just define again, this is the
2 waqh of which body?

3 A. Of the Palestinian Authority from 1994 when the
4 Palestinian Authority got into the West Bank, and before he
5 was the waqh was subjected to the Jordanian waqh, but it is
6 the same.

7 Q. And Mohammad Fuad Abu Zeid was actually part of that
8 waqh?

9 A. Correct.

10 Q. Now, aside from the key leaders in this committee that
11 you have identified in your demonstrative, are there other of
12 the criteria that we discussed earlier that apply to this
13 committee? And specifically, were you able to determine
14 whether this committee interacted with the international
15 network that you spoke about earlier?

16 A. Yes. As I said earlier, reviewing who are the leaders it
17 is not enough for me, and another criteria that I applied on
18 the zakat committee of Jenin is the fact that it is supported
19 by the global network, global financial network that was
20 established by Hamas. And we saw a demonstration of this
21 network when we saw the map with foundations like CBSP in
22 France, like Interpal in Britain, like al-Aqsa in Germany, so
23 they are supported by the Hamas global network.

24 MS. SHAPIRO: Let's pull up Jenin Zakat No. 2,
25 please.

1 Q. (BY MS. SHAPIRO) This is a document from -- do you know
2 where this document is from? Do you recognize it?

3 A. I recognize the document.

4 Q. Okay. And where is it from?

5 A. It is from the Jenin zakat committee. It was seized by
6 the Israeli Defense Force.

7 MS. SHAPIRO: Let's go to the second page.

8 Q. (BY MS. SHAPIRO) Here it says, "The zakat fund committee
9 in Jenin governorate extends its salutations and appreciations
10 for all your dedicated efforts in assisting poor families and
11 needy factions."

12 And does it list here a number of the organizations in
13 the international network that you have discussed?

14 A. Yes.

15 Q. Okay. Which ones do you see?

16 A. In the first row we see the Palestinian Fund for Relief
17 and Development, former PLRF, and now it is called Interpal.
18 The second, the three after that, the al-Aqsa Charitable
19 Foundation in Germany, in Belgium, and in Holland are part of
20 the same institute called al-Aqsa, al-Aqsa in Europe, also a
21 Hamas foundation, part of the global network. Then the
22 Charitable Committee for Support of Palestine in France, CBSP,
23 part of the network, the global network of Hamas. The Islamic
24 Charitable Society to Support the Noble al-Aqsa, Yemen, part
25 of the Hamas global network. So they all support in the Jenin

1 zakat committee. This is not only -- This is just an example,
2 and I review many documents like this.

3 Q. And were there other criteria -- For example, does the
4 Jenin zakat committee, did you find evidence in your research
5 that they cooperated with other zakat committees?

6 A. Absolutely. The Jenin zakat committee also cooperate
7 with the Qalqilya zakat committee, with the Tulkarem zakat
8 committee, and with the Nablus zakat committee.

9 Q. Okay. Are those committees all at issue in this case, do
10 you know?

11 A. Yes.

12 Q. Okay. And did you during your research find any items
13 that were seized from the Jenin zakat committee that indicated
14 -- that helped you in evaluating this committee?

15 A. Yes. This is additional criteria that helps me to make
16 my opinion about the committee. There were several items.

17 Q. Did you finish?

18 A. There were several items. Again it is collaborated with
19 other criteria. It is not a stand-alone criteria.

20 Q. Let's look at a few things. I am going to pull them up
21 one after another. Jenin Zakat No. 3, I am going to pull out
22 the original so you can see exactly what this is. Okay. What
23 is this?

24 A. This is a postcard that was seized in the Jenin zakat
25 committee, one of many postcards I reviewed.

1 MR. DRATEL: Can we get a time frame, please?

2 THE WITNESS: Defensive Shield, 18 April, 2002.

3 Q. (BY MS. SHAPIRO) Okay. And who is depicted on this
4 postcard?

5 A. It is the postcard of Sheikh Ahmed Yassin, the founder of
6 Hamas, and below there are two emblems. In the left the
7 emblem of the Izz el-Din al-Quassam Brigades, which is the
8 military arm of Hamas.

9 Q. That is the one with the rifle going across it?

10 A. The rifle, yes. And in the right there is the emblem of
11 the Hamas organization.

12 Q. Okay. And let's look at Jenin Zakat No. 4. And is this
13 a similar type item?

14 A. This is a similar type item which was seized by the IDF
15 in a box full of postcard.

16 Q. Who does this depict?

17 A. This is Abdel Aziz al-Rantisi.

18 Q. Who is Mr. Rantisi?

19 A. He is one of the founders of Hamas. He replaced Sheikh
20 Yassin.

21 Q. Let me just see if he is on our demonstrative. I am not
22 sure if he is or not. Do you see Mr. Rantisi?

23 A. On the second row, on the middle row, the second from the
24 right, Abdel Aziz al-Rantisi.

25 MR. DRATEL: Can we get the time on this postcard?

1 THE WITNESS: The same date April 18, 2002.

2 MS. SHAPIRO: I object to those type of objections
3 as argument.

4 THE COURT: Counsel, he has already established
5 where it came from. You can ask that on cross.

6 MR. DRATEL: Thank you, Your Honor.

7 MS. SHAPIRO: Could we go to Jenin Zakat No. 5,
8 please?

9 Q. (BY MS. SHAPIRO) Is this another postcard?

10 A. Yes.

11 Q. And is there indication on this postcard of any Hamas
12 affiliation?

13 A. On the upper side in the left there is the emblem of the
14 Izz el-Din al-Quassam Brigades, and in the picture there is
15 Mahmoud Alhilwa, the Izz el-Din al-Quassam commander in the
16 refugee camp of Jenin and he was under Jamal Abu Hija in the
17 hierarchy.

18 Q. And Jamal Abu Hija, is he on your demonstrative as being
19 in the Jenin zakat committee?

20 A. Yes. He is on the second row in the middle.

21 Q. Okay. Now, as an expert who studies these committees,
22 what does it mean to you to find these types of items within a
23 charity committee?

24 A. The fact that these items are in the committee and
25 not -- If I am talking about the postcard, it is not a single

1 postcard that was there. I saw and I review the same type of
2 postcards. These are only examples. It also enforces my
3 opinion that in the zakat Jenin there are items that I can
4 identify them with Hamas, like we saw like the postcards, like
5 the internal documents of Hamas, it is additional criteria for
6 me that goes with the other criteria.

7 Q. Okay.

8 MS. SHAPIRO: Could we pull up, please, Elabarasse
9 Search No. 22? Can we go to the English, please?

10 Q. (BY MS. SHAPIRO) This document is dated 1991. And what
11 does it say about the Jenin zakat committee?

12 A. It says here "Guaranteed by virtue of Mr. Mohammad Fuad
13 Abu Zeid's position." And Mohammed Fuad Abu Zeid is on the
14 first row on the left, and as I said, he was a member of the
15 endowments, the waqf of Jenin, and also a member of the
16 committee, and a known Hamas leader. But it says in general
17 that the position, the percentage is guaranteed.

18 Q. Okay. And in your opinion, during the period of 1995 to
19 2001 were these individuals known as Hamas leaders?

20 A. Yes.

21 Q. Okay. And did the Palestinian Authority ever take any
22 action against the Jenin zakat committee during this period?

23 A. I have to refresh my memory, but I think in 1996 in
24 March --

25 Q. I was just going to say feel free to look -- Do you have

1 in front of you sort of a book that you prepared?

2 A. Okay. I want to look, because I just have to refresh my
3 memory. I don't want to --

4 Q. It is not a memory test. You can look.

5 A. In March -- Just a second. The committee will shut down
6 for a short time in 1996, in March 1996 after suicide attacks
7 that happened in Israel, three in a row. But it was for a
8 short time. They reopened --

9 Q. It was shut by the Palestinian Authority?

10 A. By the Palestinian Authority.

11 Q. And it reopened after that?

12 A. Yes. And also institution of the zakat committee of
13 Jenin, like the al-Ghazi hospital, and al-Iman School that was
14 supervised by Jamal Abu Hija is -- they were attacked by
15 people probably from the Fatah, but I am not sure who attacked
16 them.

17 MS. HOLLANDER: Objection, Your Honor, this is
18 non-responsive, and speculative.

19 MS. MORENO: I think the witness is reading from
20 something, Your Honor.

21 Q. (BY MS. SHAPIRO) Okay. That is fine. We don't need to
22 go into this at all. That is fine. I am going to move on and
23 ask you your opinion -- you told us the Palestinian Authority
24 closed this committee for a brief time in 1996. Is that
25 right?

1 A. That is right.

2 Q. Okay. Now, again I am just going to focus your attention
3 on the time period between 1995 and 2001. During that time
4 period was the Jenin zakat committee, in your opinion,
5 controlled by Hamas?

6 A. Yes.

7 Q. And was it part of the Hamas social wing?

8 A. Yes.

9 Q. Okay. I would like to move on to another committee, the
10 Nablus zakat committee. During your research, did you have
11 the opportunity to study the Nablus zakat committee?

12 A. Yes.

13 Q. Okay. And can you show us on map No. 1 where Nablus is?

14 A. Nablus is just a few miles south of Jenin in the central
15 area of the northern West Bank.

16 MS. SHAPIRO: Can we bring up the payments to the
17 Nablus zakat committee, please?

18 Q. (BY MS. SHAPIRO) Okay. I am reminded that I forgot an
19 exhibit pertaining to Jenin, so I am going to go back to that
20 now. In fact, I forgot two things.

21 MS. MORENO: May we approach, Your Honor?

22 THE COURT: Yes.

23 (The following was had outside the presence and
24 hearing of the jury.)

25 MS. MORENO: Your Honor, I believe that this is when

1 counsel is going to go into Jenin Zakat No. 6, which is the
2 issue I had the 106 on, and we were waiting for the Court to
3 rule.

4 THE COURT: Are you going to play your part?

5 MS. SHAPIRO: Yes.

6 MS. MORENO: And my request would be not to disturb
7 and ask her to play that one minute, but allow me on cross
8 examination to play the minute.

9 MS. SHAPIRO: We just stand on the same objection.

10 THE COURT: I will let you do that during your cross
11 examination.

12 (The following was had in the presence and hearing
13 of the jury.)

14 Q. (by ms. shapiro) Sorry to back up a little bit. We saw
15 Elabarasse Search No. 22 where it said Jenin is guaranteed.
16 Do you recall that?

17 A. Yes.

18 Q. Okay. That was in 1991. You talked a couple of days ago
19 about this progression of the committees being taken over by
20 Hamas. When, in your opinion, did the Jenin zakat committee
21 become a Hamas controlled committee?

22 A. I think the control of Hamas of the Jenin zakat committee
23 started in 1988, but I agree totally with what was written in
24 the document that it is guaranteed in 1991. This is the point
25 of no return. This is the time period when the Hamas

1 activists that we just saw on the demonstrative were already
2 there.

3 Q. Okay. So from 1991. And you already identified -- you
4 already talked about the period 1995 to 2001. Did it continue
5 to be a Hamas committee after that time period?

6 A. Yes.

7 Q. Okay. Now I would like to play Jenin Zakat No. 6. Do
8 you know -- this is a videotape. Do you know where this
9 videotape came from?

10 A. This videotape was seized by the IDF on November 9th,
11 2004 at the committee, the zakat committee of Jenin.

12 Q. Okay.

13 MS. SHAPIRO: And we are going to play clips B
14 and C.

15 (Whereupon, Jenin Zakat No. 6, Clips B and C were
16 played, while questions were propounded.)

17 Q. (BY MS. SHAPIRO) Do you know what kind of a ceremony is
18 going on here?

19 A. This is a summer camp that -- It is a girls summer camp
20 that is documented in 2004, and it was seized in Jenin zakat
21 committee offices.

22 Q. Okay. Continue.

23 What does this girl have around her waist.

24 A. This is a demonstrative suicide belt.

25 Q. Like a toy suicide belt?

1 A. Yes.

2 Q. Okay. Go ahead.

3 Again, what does it mean to you to find a tape like that
4 within a charity committee?

5 A. Yes. And at that point I would like to link it to
6 another document that I reviewed.

7 Q. You are referring to Jenin Zakat No. 7? Turn to Jenin
8 Zakat No. 7.

9 MS. SHAPIRO: And if we could put that up, please.

10 THE WITNESS: Exactly, yes. This is the document.

11 Q. And let's look at page -- This is the Arabic. Look to
12 page 2, the English translation.

13 A. Although -- May I?

14 Q. Yes, please.

15 A. Although the document is from 2003, the document is
16 referring to the period of time before saying, and if I can
17 read --

18 Q. Sure.

19 A. "We request that your eminence work on a project
20 addressing summer centers and geared towards the brothers of
21 the Palestinian Relief and Development Fund, Interpal, taking
22 into consideration the following factors, to substitute the
23 words summer centers with training and rehabilitation centers.
24 The activities of these centers are to be limited to
25 scientific, cultural, and athletic activities only. Avoiding

1 the raising banners or mantra with Islamic nature." And
2 then --

3 Q. And what does that mean?

4 A. It means you have to change your way of running these
5 summer camps.

6 Q. Did there come a time when videotapes like these,
7 ceremonies, became publicly known?

8 A. Yes. It became known, for example, in Europe in the case
9 of al-Aqsa in Germany.

10 MR. DRATEL: Can we get a time frame, please?

11 THE WITNESS: 2003. Where it started to show videos
12 from what was happening in the summer camps. And
13 because -- And if I may read the rest of it and it will
14 explain why.

15 Q. Go ahead.

16 A. "We hope that you abide with such directives due to the
17 critical situation that the European organizations are
18 facing." And it relates to steps that were taken against some
19 Hamas foundations in Europe.

20 Q. And after these steps were taken, was there an effort to
21 change some of the practices?

22 A. It is not just change. It is hide. I mean,
23 don't -- What you can see in this document is hide, like lower
24 the profile, but don't let anyone to see what is happening. I
25 mean --

1 MR. WESTFALL: Your Honor, I object to the narrative
2 without a pending question on the floor.

3 THE COURT: Overruled. He is answering the
4 question. Go ahead.

5 Q. (BY MS. SHAPIRO) You can continue.

6 A. Okay. So we have a problem. I am rephrasing my words.
7 "We have a problem. Be aware. Watch out. Just change the
8 way you act."

9 Q. Okay. And summer camps, when we looked at the lifecycle
10 a couple of days ago, was summer camps part of that lifecycle
11 one of the stages of the Hamas social wing?

12 A. Yes.

13 Q. Okay. I think we are now ready to move to the Nablus
14 zakat committee. We started -- You pointed out where Nablus
15 was on the map.

16 MS. SHAPIRO: Can we pull up the payments to the
17 Nablus zakat committee?

18 Q. (BY MS. SHAPIRO) I can't remember if we touched on this
19 before I interrupted you, but we have May 1st, 1991.

20 MS. SHAPIRO: And can we go to the last payment,
21 payments from the Holy Land Foundation to the Nablus zakat
22 committee?

23 Q. (BY MS. SHAPIRO) Do you see the last payment is what
24 date?

25 A. October 11, 2001.

1 Q. Okay. I am going to show you again about a collection of
2 photographs and ask you to identify the originals for me.

3 Okay? I am showing you pictures 57 to 60.

4 This is picture No. 57 I am going to show you again just
5 the picture itself. If you can just identify who it is.

6 A. Sheikh Hamed Al-Bitawi.

7 Q. Okay. And picture No. 58, can you identify this picture?

8 A. Abdelrahim al-Hanbali.

9 Q. And picture No. 59, can you identify who this is?

10 A. Hajj Adly Yaish.

11 Q. And picture No. 60, can you identify who this is?

12 A. Husni al-Bourini.

13 MS. SHAPIRO: Your Honor, I move the admission of
14 Pictures No. 57 through 60.

15 THE COURT: Same objection?

16 MS. HOLLANDER: Yes.

17 THE COURT: Those are overruled. Pictures No. 57
18 through 60 are admitted.

19 Q. (BY MS. SHAPIRO) And did you prepare a demonstrative
20 poster similar to the Jenin one that collected the individuals
21 of the Nablus zakat committee?

22 A. Yes.

23 MS. SHAPIRO: Your Honor, I ask to admit the
24 Demonstrative No. 27.

25 MS. HOLLANDER: Same objection.

1 THE COURT: That is admitted.

2 Q. (BY MS. SHAPIRO) Okay. Let's start with Hamed Bitawi
3 who is he?

4 A. He is one of the founders of Hamas in the West Bank. He
5 is also in -- His position is the vice chairman of the zakat
6 committee of Nablus, also known to be the association called
7 clerics, the Religious Clerics of Palestine, which is a very
8 important institute of the Muslim Brotherhood. It is the wide
9 world institute. And was also a judge, a sharia judge in
10 Tulkarem.

11 Q. Was he connected to more than one part of the Nablus
12 zakat committee?

13 A. Yes. He is also the chairman of one of the subcommittees
14 of the Nablus zakat committee, which is called the al-Tadmoun
15 committee or the Tadmoun al-Islami. This is a subcommittee
16 that he is the chairman, so he controls as vice chairman of
17 one committee and also chairman of this subcommittee.

18 Q. Okay.

19 MS. SHAPIRO: Can we play HLF Search No. 75, please?
20 Is this a good time, Your Honor, or do you want me to
21 continue?

22 THE COURT: We will work until about 1:00. We will
23 go a few more minutes.

24 MS. SHAPIRO: HLF Search No. 75, Clip B, C, and D.

25 (Whereupon, HLF Search No. 75, Clips B, C, and D we

1 played, while questions were propounded.)

2 Q. (BY MS. SHAPIRO) First of all, do you know where this
3 video takes place?

4 A. It is Marj al-Zahour.

5 Q. And Marj al-Zahour is?

6 A. The camp of the deportees.

7 Q. So by that can you date this video?

8 A. Probably 1992, according to the date of the deportation.

9 Q. And he talked about just now coming to a program of the
10 Holy Land Foundation. Have you reviewed a list of overseas
11 speakers in this case?

12 A. Yes.

13 Q. I am going to pull out HLF Search No. 87, which is on a
14 demonstrative. Can you point out where Hamed Bitawi appears?
15 There is a list of numbers on the left, and tell me which
16 number he appears next to.

17 A. No. 27.

18 Q. While we have the overseas speakers list out, are there
19 other overseas speakers that you recognize on this list who
20 are connected to the zakat committees?

21 A. I will try.

22 Q. I am going to hand you this poster. Do you want me to
23 just hold it?

24 A. Bassam Jarrar is one of the Hamas members that I
25 recognize. He is not a member, but linked to the Ramallah

1 zakat committee as the head of the Nu'un Center supported by
2 the Ramallah zakat committee.

3 Q. Any others?

4 A. Fuad Abu Zeid, we talked about him just a few minutes
5 ago.

6 Q. Can you tell us what number on the list?

7 A. I am sorry. Bassam Jarrar is No. 17. Fuad Abu Zeid is
8 No. 24.

9 Q. Which committee was he connected to?

10 A. Jenin zakat committee. We just spoke about it a few
11 minutes ago. No. 27 is Hamad Bitawi from the Nablus zakat
12 committee. Khalil Kuka. We spoke about him when we were
13 dealing with the Islamic Society.

14 Q. What number is he?

15 A. No. 38. Hatem Qafisheh, No. 30. I am sorry. I have to
16 review it for a moment. There is no number. On the screen
17 there is no number. Hatem Qafisheh, he is from the Young
18 Muslim Society, which is one of the societies that operated by
19 the Islamic Charitable Society in Hebron, and Hatem Qafisheh
20 is one of the members of the committee.

21 Q. What number is he on this list?

22 A. No. 30.

23 Q. Okay. Thank you.

24 Let's continue with this clip.

25 Again, Sheikh Mohammad Fuad Abu Zeid is who?

1 A. Sheikh Mohammed Fuad Abu Zeid, we spoke about him a few
2 minutes ago, is a member of the zakat committee of Jenin and
3 very prominent and founder of Hamas in the West Bank.

4 Q. Okay.

5 A. And a member of the waqf of Jenin.

6 Q. A member of the waqf. Thank you. Continue.

7 Adly Yaish. Is there any connection to the people on
8 this page here?

9 A. Hajj Adly Yaish is the treasurer of the Nablus zakat
10 committee. Again, he is a Hamas member, a prominent Hamas
11 member on the second row on the left.

12 Q. Is that same as Rifat Adly Yaish?

13 A. Rifat is the name of the father.

14 MS. SHAPIRO: I am going to play one more tape, if
15 we want to break here, or I can continue.

16 THE COURT: Let's take the break. Let's be back at
17 2:15.

18 (Whereupon, the jury left the courtroom.)

19 THE COURT: Was there an issue we needed to take up?

20 MS. HOLLANDER: Yes, sir.

21 THE COURT: Do you want to come up here?

22 MS. HOLLANDER: We don't need to come up there.

23 THE COURT: Go ahead.

24 MS. HOLLANDER: The issue, Your Honor, is, as I
25 mentioned up there, the witness referred to an index.

1 THE COURT: Oh, yes. And I heard -- Ms. Shapiro,
2 any objection to letting them see that?

3 MS. SHAPIRO: We don't have it, Your Honor. This
4 may be something he looked at, you know, doing his research
5 generally, but it is not something that is in the possession
6 of the Government.

7 MS. HOLLANDER: We ask that it be produced, Your
8 Honor. He has referred to it, and we have a tremendous
9 disadvantage here in confronting this witness. We can't
10 confront him, we can't cross examine him on this. And I am
11 sure he is capable of retrieving it. There are methods of
12 getting documents. Since he referred to it, we ask that he
13 retrieve it.

14 MS. SHAPIRO: I would just say that not everything
15 that an expert relies on has to be produced, otherwise there
16 would be some unimaginable volume of material. And it wasn't
17 -- The rule that Ms. Hollander cited I think at the bench
18 talks about refreshing recollection. It wasn't clear at all
19 that his recollection was being refreshed. He simply referred
20 to something that he was relying on, or apparently relied on
21 in the course of his research on this subject.

22 THE COURT: Do you know what kind of an index it is,
23 what we are talking about here?

24 MS. SHAPIRO: I assume it is an index of some of the
25 materials that were seized from the committee, during

1 Defensive Shield and some of the items that were seized from
2 various committees.

3 THE COURT: All right. And you don't have it. And
4 you don't know whether it is here, or do you know anything
5 about it?

6 MS. SHAPIRO: I don't have it. It is not here.
7 There is a separate index that is sealed with Your Honor, I
8 believe, that pertains to Doctor Levitt.

9 THE COURT: Right.

10 MS. SHAPIRO: So whatever -- I guess I would have to
11 inquire of the witness further what it is exactly that he is
12 referring to, and I am happy to talk to him over lunch.

13 THE COURT: We will pursue that, then, at some point
14 in terms of what it is. If the Government says they don't
15 have it, we will let you pursue that. Just remind me.

16 We will take the lunch break now. Be back at 2:15.

17 (Lunch recess.)

18 THE COURT: Ms. Shapiro?

19 MS. SHAPIRO: Thank you, Your Honor.

20 Q. (BY MS. SHAPIRO) Good afternoon.

21 A. Good afternoon.

22 Q. Before the break we were talking about Hamed Bitawi, and
23 we had just seen video clips of Hamed Bitawi. Was Hamed
24 Bitawi, based on your information, was he -- How long was he
25 at the Nablus zakat committee?

1 A. At least from 1988 until recently he was the vice
2 chairman.

3 Q. So he was there -- between 1995 and 2001 he was at the
4 committee?

5 A. Definitely.

6 Q. Was he, in your opinion, somebody who was known to be
7 Hamas?

8 A. Yes.

9 Q. Let's talk about the second person you have, Abdelrahim
10 al-Hanbali. Who is he?

11 A. He is the chairman of the committee since 1996. Around
12 1996 he replaced the other chairman that was sick and he died.
13 And he was acting as a chairman, but he became the formal
14 chairman in 1996, and until recently.

15 Q. Okay.

16 MS. SHAPIRO: Let's look at, if we could pull up
17 Nablus Zakat Account No. 1, please. Could we go to page 3?
18 The next page.

19 Q. (BY MS. SHAPIRO) This is a document from a bank record
20 from the Nablus zakat committee, and I am just going to read
21 it.

22 "Greetings. I enclose nine checks for a gross total of
23 one thirty eight thousand nine hundred U.S. dollars and twenty
24 four cents. Please deposit the amounts of these checks in the
25 Nablus zakat committee." And it is signed by the Secretary of

1 the Nablus zakat committee, Dr. Abd-al Abdelrahim Is this the
2 same Abdelrahim al-Hanbali we were discussing?

3 A. Yes. He was a secretary until 1995, and then he replaced
4 the chairman as the chairman of the committee until recently
5 where all the committees were resolved.

6 Q. Okay. And this document is dated November 1990.

7 A. Yes.

8 Q. Okay.

9 MS. SHAPIRO: And let's look at InfoCom Search
10 No. 64, please.

11 Q. (BY MS. SHAPIRO) This is another one of those letters to
12 CBS about the Eye On America program complaining about the
13 attack on the Holy Land Foundation. Can you see who signed
14 this letter?

15 A. Dr. Abdel Haleem Hanbali. This is his signature, Nablus
16 zakat -- It is the charity committee of Jenin.

17 Q. We have seen several of these letters to CBS from
18 different committees signed by different people. Does it have
19 any meaning that these particular people in these particular
20 committees were writing to CBS to complain about their
21 program?

22 A. Yes. There were two aspects. One aspect is the fact
23 that they act with cooperation, they act like a network, they
24 coordinate; and the second, they identify with whom --
25 subjected to the program. The TV program was subject

1 and -- They identified with whom was the subject of this
2 program. So it is actually, you see, this cooperation and the
3 network, they work together, they cooperate. This is just an
4 example how it is done.

5 Q. Okay. And the other person on the bottom, I guess right,
6 Adly Rifat Yaish, who is he?

7 A. He was the treasurer of the zakat committee of Nablus
8 until recently, until he was actually elected as a Hamas
9 candidate to be the mayor of Nablus, and between 1995 and 2001
10 he was the treasurer of the committee and he is a Hamas
11 activist, known as a Hamas activist.

12 The fact that he was nominated to be a candidate for
13 Hamas, it is important because the Hamas is not taking as
14 candidates someone that is not familiar in the community.

15 Q. Okay. Ho is the next person, Husni Bourini?

16 A. Husni Bourini is the chairman of one of the subcommittees
17 of the Nablus zakat committee, which is called the Assira
18 Shemaliya.

19 Q. Can you say it one more time slower?

20 A. Assira, A-S-S-I-R-A, Shemaliya S-H-E-M-A-L-I-Y-A.

21 Q. Okay.

22 A. Assira Shemaliya it is a small village we saw on a
23 videotape before that -- What Hamed Bitawi said, that they
24 have many committees that they are responsible for. This is
25 one of the biggest committees that they are responsible,

1 Assira Shemaliya. Husni Bourini, the chairman of this
2 subcommittee, is one of the founders of Hamas.

3 Q. Okay. And was he known in the community, in your
4 opinion, as one of the founders of Hamas?

5 A. If I am correct, he was one of the members of the
6 parliament. He is a known Hamas activist; one of the
7 founders. I just want to check, if I can.

8 Q. Sure. Go ahead.

9 A. I don't see him, but --

10 Q. All right. Well, I am going to indicate --

11 MS. SHAPIRO: May I approach the demonstrative?

12 THE COURT: Yes.

13 Q. (BY MS. SHAPIRO) I will put a sticker next to those
14 people who Hamas has identified publicly, who are known as
15 Hamas in the community. And can you tell me which ones I
16 should put a sticker by, which ones are known to be Hamas,
17 Hamas has come out publicly and identified?

18 A. Hamed Al-Bitawi.

19 Q. All right.

20 A. One of the founders of Hamas. Abdelrahim al-Hambali,
21 known as a Hamas activist. By the way, his son was an
22 activist of the Izz el-Din al-Quassam Brigades also known as
23 Hamas. One of the head of the Hamas financial infrastructure
24 in the Nablus area. They hold some businesses like -- Never
25 mind. Okay. I do not express it very well. But he is a

1 known Hamas.

2 Q. Al-Hanbali is?

3 A. Yes.

4 Q. And Adly Rifat Yaish?

5 A. He is also a known Hamas activist from the late '80s.

6 And as I said, he was chosen by Hamas to the local election in
7 Nablus in 2005 and he won in the name of Hamas. People knew
8 Yaish, and they knew he was a member of the committee, the
9 zakat committee, was the treasurer.

10 Q. Has Hamas identified Husni Bourini?

11 A. Yes. Hamed Bitawi and Husni Bourini were mentioned by
12 Khalid Mishal, for example, as Hamas leaders.

13 Q. Okay. And Khalid Mishal --

14 A. Khalid Mishal is the leader of Hamas.

15 Q. Let me point him out, because we haven't seen his face in
16 a while. This is Demonstrative No. 17. Where do you see
17 Khalid Mishal?

18 A. On the first row on the left, Khalid Mishal, political
19 bureau leader.

20 Q. On your left?

21 A. On the left, yes. And Husni Bourini, he was elected as a
22 member of the Palestinian parliament by Hamas.

23 Q. Okay.

24 MS. SHAPIRO: And can we look at InfoCom Search
25 No. 28, please, page 121?

1 Q. (BY MS. SHAPIRO) Okay. And this is the book we have
2 been going back to periodically, InfoCom Search No. 28, that
3 lists information about the different committees. This one is
4 the Nablus zakat committee, and can you see whose phone number
5 is identified at the top?

6 A. Abdelrahim al-Hanbali's phone.

7 Q. And is that the same Abdelrahim al-Hanbali that you
8 identified in your demonstrative?

9 A. Yes.

10 Q. And 2001 underneath it has Adly Yaish's phone.

11 A. Correct.

12 Q. Is that the same Adly Yaish Rifat that you have on your
13 demonstrative.

14 A. The same Adly Yaish.

15 Q. Okay.

16 MS. SHAPIRO: Can we bring up the Summary of Nablus
17 Zakat, please?

18 Q. (BY MS. SHAPIRO) This is another one of those summaries
19 that collects the exhibits showing the connections between the
20 Holy Land Foundation and the Nablus zakat and lists several
21 people at the top. Can you go through and read the people up
22 at the top of the summary, please?

23 A. Of course. Hamed Bitawi, we talked about him. He is the
24 left on the upper row. Abdel Rahim Hanbali, the second -- The
25 right on the first row. Adly Rifat Yaish, the treasurer which

1 is below on the left. And Mohammed Radi Hanbali.

2 Q. Who is he, if you know?

3 A. I don't know.

4 Q. Okay. Three of the four people on here appear on your
5 demonstrative poster as Hamas leaders. Is that right?

6 A. That is right.

7 Q. Okay.

8 MS. SHAPIRO: I am going to play you one more video,
9 InfoCom Search No. 79, Clips A and B.

10 (Whereupon, InfoCom Search No. 79, Clips A and B
11 were played, while questions were propounded.)

12 Q. (BY MS. SHAPIRO) He says, "which we consider a financial
13 jihad." Have you heard that expression before?

14 A. Yes.

15 Q. What does that mean to you?

16 A. If I have to summarize the idea, it is the method of
17 jihad. The jihad can be done by -- All for the same target,
18 jihad can be done, for example, attacks, suicide attacks, it
19 can be done by financial means, it can be done emotionally.
20 They are talking about financial jihad. This is their part of
21 the jihad which concerned to the financial part. Here this is
22 the link between the social work and the jihad, the holy war.

23 Now, he is not the only one who said it. Khalid Mishal
24 expressed this idea, and others. Khalid Mishal, the leader of
25 Hamas in the interview, he said something very similar. So

1 this is the whole idea in two words.

2 Q. Okay. Let's continue, please.

3 Do you see the sign on the banner that says the Islamic
4 block? Can you remind us what the Islamic block is.

5 A. The Islamic block is the Islamic party in the
6 universities which consists the Kutle el-Islamiya. Kutle
7 el-Islamiya is the Hamas student party in the universities.

8 Q. Did we see that on your lifecycle, as a block on your
9 lifecycle --

10 A. Yes.

11 Q. -- demonstrative?

12 A. Yes. This is the universities' part.

13 Q. Go ahead.

14 MS. SHAPIRO: Can we pull up Philadelphia Meeting
15 No. 13-E, please? The next page in the middle of the page, if
16 you can enlarge right in the middle.

17 Q. (BY MS. SHAPIRO) I am going to read starting "In the
18 West Bank."

19 "In the West Bank in the north region, which includes
20 Nablus, Jenin, Qalqilya, and al-Biga'a, there was relatively
21 old activity, such as Nablus zakat committee in Nablus, which
22 was founded in 1976. It is very advanced in comparison with
23 other committees. For instance, they have over 1,000 orphans,
24 over 2,200 families which are sponsored monthly. They have
25 investment activities and other activities. But when we speak

1 about it as a zakat committee, we tie it to us."

2 This is from a Philadelphia meeting in Philadelphia from
3 1993. In your opinion, in 1993 was the Nablus zakat committee
4 controlled by Hamas?

5 A. Yes.

6 Q. And what about after that period?

7 A. It was controlled -- It is still controlled by Hamas
8 until recently, until the reform in the Palestinian Authority.
9 Also in 2001, if this is the question.

10 Q. Right. So between the years of 1995 and 2001
11 specifically, was the Nablus zakat committee controlled by
12 Hamas?

13 A. Yes.

14 Q. Okay. Now, did you find, other than talking about the
15 people in the committee, were there other criteria that
16 applied to the Nablus zakat committee from your list of
17 criterion?

18 A. Yes.

19 Q. And did you find items within the Nablus zakat committee
20 that connected this committee to Hamas, in your opinion?

21 A. I reviewed items that were seized in the Nablus zakat
22 committee, items that when you look at them or read what is
23 written there so you can link, it is also another criteria to
24 support my opinion that it is a Hamas committee.

25 Q. Okay.

1 MS. SHAPIRO: Can you show Nablus Zakat No. 1,
2 please, on the screen?

3 Q. (BY MS. SHAPIRO) And I am also showing you on poster
4 board Nablus Zakat No. 1. Do you recognize this?

5 A. Yes.

6 Q. And where was this poster taken from?

7 A. The poster was taken from the Nablus zakat committee.

8 Q. Okay. And do you know who is depicted in the poster?
9 First of all, let me ask you, is there any indication on the
10 poster itself that it is connected to Hamas?

11 A. It says here Harakat al-Muqawaman al Islamiyya, which is
12 the Arabic name for Hamas, announced the death of Salah
13 Darouza Abu Nour, which is one of the leaders, prominent
14 leaders in the West Bank, and also there is the Hamas emblem
15 in the middle on the left.

16 Q. Am I pointing to the Hamas emblem here?

17 A. Yes.

18 Q. The symbol? Okay. And Salah Darouza, the person
19 depicted in this poster, tell us again who he is.

20 A. One of the prominent leaders of Hamas, was one of the
21 leaders of Hamas in the West Bank.

22 MS. SHAPIRO: If I can have the elmo, please.

23 Q. (BY MS. SHAPIRO) I am showing you some photographs from
24 the Holy Land computers right now. This is from the Holy Land
25 Foundation computers in Chicago. And let me give you the

1 precise exhibit number, HLF Search No. 51. Do you see Salah
2 Darouza in that picture?

3 A. Yes. He is -- I can describe what I see.

4 Q. Where do you see Salah Darouza in this picture?

5 A. Salah Darouza is the face between the two front guys.

6 Q. Okay. Is this picture otherwise connected to Hamas,
7 apart from the Salah Darouza being in it?

8 A. Yes. First of all, there is the emblem of Hamas here on
9 the bottom in the right. All the members here are Hamas
10 members, some of them the Izz el-Din al-Quassam. In the right
11 the two guys that are in front of Salah Darouza, Jarrar Salem
12 and Jarrar Mansour, two Hamas leaders from Nablus. I can also
13 identify Izz el-Din el-Masri, the guy from behind with the
14 rifles is the suicide bomber from the Sbarro Restaurant in
15 Jerusalem. Also Khalid Bishawi, one of the Hamas leaders on
16 the right on the upper screen, one of the Hamas. By the way,
17 the four guys graduated at el-Najat University in Nablus.

18 Q. Okay. Let me just show you some other pictures just
19 focusing on Salah Darouza. Is this also Salah Darouza?

20 A. This is also Salah Darouza. I don't recognize the person
21 who is speaking, but this is Salah Darouza in the picture.

22 Q. In the background?

23 A. Yes.

24 Q. And how about this picture?

25 A. This is Salah Darouza.

1 Q. And did Salah Darouza -- you mentioned he had studied at
2 university. I will just refer you a moment back to the
3 lifecycle, those different stages of life that we talked about
4 a couple of days ago. Did Salah Darouza travel any of the
5 stations on that lifecycle?

6 A. At least partial. I am not sure about kindergartens and
7 lower school, but from high school and university he is a
8 partial of this lifecycle.

9 Q. Was he in the Kutle al-Islamiya?

10 A. Salah Darouza was a lecturer in el-Najat; not only that
11 he studied, he was a lecturer there.

12 Q. And let me show you another picture while we are at it.
13 Here we go. Can you identify this person? This is again from
14 the same set of pictures from the Holy Land Foundation
15 computers in Chicago.

16 A. Hamed Al-Bitawi.

17 Q. This is the same Hamed Al-Bitawi in the top right corner
18 of this demonstrative?

19 A. Yes, it is.

20 Q. Okay.

21 MS. SHAPIRO: Could we look at Nablus Zakat No. 2,
22 please?

23 Q. (BY MS. SHAPIRO) And what is this?

24 A. This is kind of a postcard that was seized in Nablus
25 zakat committee.

1 Q. Okay. And do you know who is depicted on this postcard?

2 A. Yes. On the right Hashem al-Najjar and on the left Hamed
3 Abu Hijla.

4 Q. Okay. And are you familiar with these people?

5 A. Both of them are suicide bombers. One of them committed
6 a suicide attack in the place --

7 MR. DRATEL: Your Honor, we object; 403.

8 THE COURT: Overruled. Go ahead.

9 Q. (BY MS. SHAPIRO) Continue.

10 A. Both of them are suicide bombers. One committed a
11 suicide attack in Mahoula, a small town near -- in the north.

12 Q. In the north of Israel?

13 A. Israel. And the other one committed a suicide attack in
14 Netanya. It was in the first of January 2001. And both of
15 them graduated in al-Najat University and also were educated
16 in high schools of the zakat committee.

17 Q. Do you know which zakat committee?

18 A. Nablus zakat committee.

19 Q. Okay.

20 A. What I am saying now is also written -- part of it
21 written on the back of the postcard.

22 MS. SHAPIRO: Can we see if we have the second page?

23 THE WITNESS: This is the one, yes.

24 Q. (BY MS. SHAPIRO) Let's see if we have an English one
25 here. So did both of these suicide bombers study in schools,

1 high schools connected to -- were those high schools connected
2 to Hamas?

3 A. Through the zakat committee of the Hamas. This is -- I
4 just said it because of the lifecycle. This is a
5 demonstration, at least partially, going to high school of
6 movements and play a role in the Islamic Movement in this high
7 school. And then they are members of the Kutle al-Islamiya,
8 which is the student party of Hamas in the university. And
9 they ended as suicide bombers. This is just a demonstration
10 of the lifecycle that I was talking about, a typical Hamas
11 member.

12 Q. And where was this postcard found again?

13 A. This postcard was found in Nablus zakat committee.

14 Q. Okay.

15 MS. SHAPIRO: Let's look at Nablus No. 3.

16 Q. (BY MS. SHAPIRO) And I am going to pull this out for
17 you. Nablus Zakat No. 3 and Nablus Zakat No. 4 are key
18 chains. We are going to pull one out so you can see it.

19 MS. SHAPIRO: May I approach the witness?

20 THE COURT: Yes.

21 Q. (BY MS. SHAPIRO) I am showing you a key chain. This one
22 is marked Nablus Zakat No. 3. Can you identify who is on the
23 key chain?

24 A. Yes. This is Sheikh Ahmed Yassin.

25 Q. Okay. And --

1 A. Founder of Hamas.

2 Q. And this is Nablus Zakat No. 4. Can you identify the
3 person on this key chain?

4 A. This is the picture and it is written also Yehia Ayyash
5 Aboul Bara'a. Yehia Ayyash was graduated in Birzeit
6 University, and was considered to be one of the prominent of
7 the Izz el-Din al-Quassam Brigades and the one who started
8 the -- initiated the suicide bombing, creating those bombs
9 that then were used by suicide bombers.

10 Q. Did he have a nickname?

11 A. Abu Bara'a.

12 Q. Did he have a nickname in English?

13 A. The engineer. He actually, yes, he learned -- He was
14 learning in university in engineering.

15 Q. Do you know why he was called the engineer?

16 A. He developed what we call the suicide belt or the
17 mechanism of the suicide belt.

18 Q. The mechanism?

19 A. The mechanism, yes.

20 MS. HOLLANDER: Your Honor, may we approach?

21 THE COURT: All right.

22 (The following was had outside the hearing of the
23 jury.)

24 MS. HOLLANDER: I didn't want to stop in the middle
25 of this, but the one before that, Nablus No. 2, it says that

1 there is text in Hebrew, and there is no text --

2 MS. SHAPIRO: That is one of those exhibits that we
3 wanted to replace because there is extraneous translation.

4 THE COURT: They had Nablus No. 3 and No. 4.

5 MS. HOLLANDER: Right. Well, Nablus No. 3.

6 MR. DRATEL: This is something else. It is not the
7 postcard.

8 MS. SHAPIRO: I wanted to remove that and I didn't
9 get agreement from the Defense. I am more than happy to
10 remove it. It is not on the original.

11 THE COURT: What is not on the original?

12 MS. SHAPIRO: The part that says "Hebrew text on
13 bottom."

14 MS. DUNCAN: We agreed you could remove it.

15 MS. SHAPIRO: I didn't get that message.

16 MS. HOLLANDER: I don't know where this came from.

17 MS. SHAPIRO: Okay. This is the translation of the
18 Arabic. I explained this before. When we turned these
19 documents over a long time ago they were on xeroxed paper that
20 had Hebrew writing on it, and that was translated. And so
21 the --

22 THE COURT: So what is it that you are --

23 MS. HOLLANDER: This part here.

24 THE COURT: All of this?

25 MS. HOLLANDER: Yes. He just testified to this.

1 MS. SHAPIRO: He knows it, obviously, from what he
2 reviewed.

3 MS. DUNCAN: He said it came from the postcard.

4 MS. SHAPIRO: I will clarify that, if you want.

5 MS. HOLLANDER: This is not supposed to be on there
6 because it has nothing to do with this postcard.

7 MS. SHAPIRO: Your Honor, I tried to make an effort
8 to remove that and I didn't get agreement to substitute
9 exhibits. In fact, I got an email from you saying don't
10 substitute any exhibits until we talk to the Court.

11 MS. HOLLANDER: I said anything that has been
12 admitted I don't want it substituted.

13 MS. SHAPIRO: This has been admitted. This was
14 admitted back --

15 MS. HOLLANDER: You knew -- If in fact the
16 Government knew that this wasn't supposed to be here, she
17 shouldn't have asked him about it.

18 MS. SHAPIRO: I didn't ask him about it. I asked
19 him generally for the information.

20 MS. CADEDDU: I think what is going on, I think we
21 thought there was only one exhibit that had the Hebrew on it,
22 and I think one of us had already cross examined on it. So
23 the concern was removing something that we already talked
24 about.

25 As far as extraneous stuff on other exhibits, I don't

1 think -- I mean, I don't think there is a problem with
2 removing -- I think we ought to discuss it.

3 MS. SHAPIRO: I said I wanted to remove it and got a
4 message from Ms. Hollander not to do it.

5 MS. HOLLANDER: Because I thought it was --

6 MR. JONAS: One thing, Your Honor. I wanted to
7 clarify --

8 THE COURT: So this should not be there.

9 MR. JONAS: If I can confer. This should be here.

10 MS. SHAPIRO: That is the translation of this
11 Arabic.

12 MR. JONAS: This last two lines.

13 THE COURT: She is pointing this out.

14 MR. JONAS: That is there.

15 MS. SHAPIRO: That should come out in the brackets.

16 MS. HOLLANDER: That in the brackets should not be
17 there.

18 THE COURT: So what you are complaining about is
19 what is in the brackets.

20 MS. HOLLANDER: I don't know if this is even there.
21 I don't know if this is here.

22 MR. JONAS: But this portion -- It is just these two
23 lines.

24 THE COURT: Those two lines, should they be there or
25 not?

1 MR. JONAS: No, they should not.

2 THE COURT: That is a description.

3 MR. JONAS: Yes. It is not substantive.

4 MS. HOLLANDER: And this shouldn't be there. Maybe
5 the way to resolve this is if we could look at all the ones
6 they want to change before the witness testifies about them
7 and we can make some decisions about them. But I didn't
8 realize there was another one either.

9 MS. CADEDDU: I just want to make it clear for the
10 record, what we were concerned about is changing exhibits once
11 they have come in and they have been testified to. We can
12 certainly get agreement if there are extraneous things on
13 here.

14 THE COURT: This should be fairly easy to agree to.

15 MS. SHAPIRO: It doesn't cover the substance.

16 THE COURT: No, it doesn't. And this shouldn't be
17 on there, but it is an accurate description of what that is,
18 but I don't see -- It needs to be off of there, but I don't
19 think there is anything unfairly prejudicial that should have
20 been removed that hasn't been removed.

21 MS. HOLLANDER: I just want to make sure --

22 THE COURT: I understand it needs to get corrected,
23 but you need to get on the same page. That should be fairly
24 easy.

25 MS. HOLLANDER: It is miscommunication.

1 (The following was had in the presence and hearing
2 of the jury.)

3 Q. (BY MS. SHAPIRO) Okay. We were talking -- I think we
4 were about to move to another exhibit.

5 MS. SHAPIRO: And can we bring up Nablus Zakat
6 No. 5, please?

7 Q. (BY MS. SHAPIRO) This is the original of Nablus Zakat
8 No. 5 so you can see the size. Where was this exhibit taken
9 from?

10 A. The Nablus zakat committee.

11 Q. And what is it?

12 A. This is a student timetable that looks like -- from far
13 you can just use it as, you know, for -- as a schedule for the
14 university. But in the small pictures, and I am referring
15 especially to the picture below on the last row on the bottom
16 row, there is an exploded bus, a car after a shooting attack
17 with two bodies inside, and another body put into an
18 ambulance. This is a scene from terrorist attacks. And when
19 you look at the timetable, you can see the violent pictures
20 coming from what is supposed to be a timetable or schedule.
21 That is what now it was in a box.

22 Q. Does this reinforce or contribute to your understanding
23 that --

24 MR. DRATEL: Objection, leading.

25 THE COURT: Sustained, counsel. Do you want to

1 rephrase?

2 Q. (BY MS. SHAPIRO) How does an item like this contribute
3 to your understanding of Hamas and the priority it puts on
4 education?

5 A. This item, like the previous item, these are little
6 things, it seems like little things, but they express what I
7 am saying is that -- First of all, it supports the education
8 or the philosophy. But like I said, the zakat committee
9 doesn't have to say, "We are Hamas." Little items like this
10 that are distributed to the people, they are actually bringing
11 the idea to the people who they are serving, if it is the
12 student or other support, people that are being supported.

13 So the zakat committee uses items like this which
14 demonstrate the idea, if we can see a violent action like a
15 suicide attack scene -- And it is very simple because it has
16 an influence of those who see these items. Even a key chain
17 is something to remember. So even you can see little things
18 that do the job, let's say, for the zakat committee. We don't
19 have to say who we are; just in the items you can see it.

20 Q. Okay.

21 MS. SHAPIRO: Can I have overhead, please?

22 Q. (BY MS. SHAPIRO) And again, this is another photograph
23 from --

24 MS. CADEDDU: Your Honor, I object to the prefatory
25 remarks for each exhibit. I don't think that is proper.

1 MS. SHAPIRO: These are in evidence, Your Honor.

2 THE COURT: You may call attention to it. Go ahead.

3 Q. (BY MS. SHAPIRO) These are photographs from the Holy
4 Land Foundation computers in Chicago. Does that look like the
5 same picture from the school calendar? Do you want to see it?

6 A. Yes, I would like to see it.

7 MS. SHAPIRO: May I approach, Your Honor?

8 THE COURT: Yes.

9 MR. DRATEL: Your Honor, I object on 403 and
10 *al-Moayad* grounds.

11 THE COURT: Overruled.

12 THE WITNESS: Obviously this is the same picture.
13 Here in the bottom, yes, on the bottom row in the left it is
14 the same picture as here.

15 Q. (BY MS. SHAPIRO) Okay. Let me substitute so we can see
16 it. And there is the picture on the calendar? Same picture?

17 A. Same picture.

18 Q. Did you review the Holy Land Foundation computer
19 photographs before your testimony?

20 A. Some of the computers, yes, some of the pictures I
21 reviewed, yes.

22 Q. Did you see other examples of suicide bombings like this
23 of the bus?

24 A. I would say a suicide scene or after a suicide attack
25 scene.

1 MS. SHAPIRO: And for the record, this photograph is
2 numbered 168. The one I am displaying now is numbered 34.

3 Q. (BY MS. SHAPIRO) Is it a similar photograph?

4 A. Yes, similar photograph. Also there was, if I remember
5 correct --

6 MS. HOLLANDER: I object on 403 grounds.

7 THE COURT: Overruled.

8 Q. (BY MS. SHAPIRO) And what do we see in this picture?

9 A. This is a picture that was taken from above to the Sbarro
10 Restaurant in Jerusalem after a suicide attack in the
11 pizza -- It is a pizza shop.

12 Q. Sbarro Pizza Restaurant?

13 A. Yes. This is the same.

14 MR. DRATEL: Can we get a date?

15 Q. (BY MS. SHAPIRO) When was the Sbarro suicide bombing?

16 A. August 8, 2001.

17 Q. Thank you. Were there similar photographs in these
18 pictures? We are not going to look at them all, but were
19 there others?

20 A. Yes.

21 Q. Now, when talking about the key chains we looked at
22 earlier, were those the only two key chains you saw at the
23 Nablus zakat committee?

24 A. I reviewed a box with the same, two kinds of key chains,
25 and there was also a box full of these key chains, dozens of

1 key chains.

2 Q. Okay. Now, I would like to direct your attention to
3 Nablus Zakat No. 6, which is a videotape. Are you familiar
4 with the videotape that was seized from the Nablus zakat
5 committee? I will play it for you.

6 A. Okay.

7 MS. SHAPIRO: Let's play Nablus Zakat No. 6.

8 MR. DRATEL: Your Honor, I am just renewing my 403
9 *al-Moayad* motion.

10 THE COURT: Overruled.

11 (Whereupon, Nablus Zakat No. 6 was played in open
12 court.)

13 Q. (BY MS. SHAPIRO) Is there a reason why a videotape like
14 that would be inside the Nablus zakat committee?

15 MR. DRATEL: Objection to the form of the question.

16 THE COURT: Overruled.

17 THE WITNESS: It was found in a Quran memorization
18 center. I cannot -- of course I don't know if there were --
19 if this video was shown to children.

20 MR. DRATEL: Objection, Your Honor.

21 THE COURT: Overruled.

22 THE WITNESS: But this is an address of the Izz
23 el-Din al-Quassam Brigades. I am not going to get into the
24 subject itself. It is very complicated.

25 Q. (BY MS. SHAPIRO) But is there -- This kind of a video,

1 is there a reason why a charity would have that kind of
2 material?

3 MR. DRATEL: I object, Your Honor. He is not an expert
4 on charities.

5 THE COURT: Overruled. Go ahead.

6 THE WITNESS: This is the kind of material which
7 addresses a message that it is aimed to indoctrinate the way
8 of Izz el-Din al-Quassam. There is the Izz el-Din al-Quassam
9 operative that speaks about plans. And the fact that it was
10 found in classes of the memorization centers in the zakat
11 building, I think it speaks for itself. I mean, this is the
12 kind of indoctrination that Hamas wants to address to
13 children. But I don't know if actually it was shown to the
14 children.

15 MR. DRATEL: I move to strike the answer, Your
16 Honor, because he doesn't know.

17 THE COURT: Overrule that objection.

18 Q. (BY MS. SHAPIRO) Okay. Now, you mentioned a little
19 earlier that the Nablus zakat committee had subcommittees. Is
20 that right?

21 A. That is right.

22 Q. Okay. And you mentioned the al-Tadamoun committee?

23 A. Correct.

24 Q. Have you seen any material from al-Tadamoun that
25 contributes to your understanding about the Nablus zakat

1 committee?

2 A. Yes.

3 Q. Okay.

4 MS. SHAPIRO: Can we pull up Nablus Zakat No. 7,
5 please?

6 Q. (BY MS. SHAPIRO) Do you recognize this document?

7 A. Yes.

8 Q. Okay. And what are these, generally? It is a fairly
9 thick document, and we will get to some pages, but what is it
10 overall?

11 A. Overall this is shahid or martyr files, files which
12 contains all the details of shahids.

13 Q. When you say shahids, what does that mean in English?

14 A. Martyr.

15 Q. Martyr?

16 A. Martyr, yes.

17 Q. Okay.

18 A. Martyr. And in the al-Tadmoun Society, IDF seized boxes
19 of these files and it contained all kinds of details of the
20 name, situation, and the circumstances which this person
21 became a martyr.

22 Q. Okay. Were these files of people who were supported by
23 that committee?

24 A. Yes.

25 Q. Okay. Let's just flip through the Arabic to see what

1 kinds of documents were in here.

2 MS. SHAPIRO: If you could just sort of run through
3 the pages.

4 Q. (BY MS. SHAPIRO) Do you know who this is?

5 A. Yes.

6 Q. Who is it?

7 A. This is Mahmoud Hanoud.

8 Q. And who is he? What is he known for?

9 A. Mahmoud Hanoud, he was one of the commanders of the Izz
10 el-Din al-Quassam Brigades, the military arm of Hamas.

11 Q. Okay.

12 A. In the West Bank.

13 Q. Okay. And let's continue on. Just keep flipping through
14 these pages. And here we have what looks like -- What is
15 this?

16 A. This is his I.D. Mahmoud Hamad Shuli. This is his full
17 name.

18 Q. Okay. Let's keep flipping through. I think on page 12
19 we get to an English page, the translation. So here we have
20 the al-Aqsa Intifada martyr Mujaheed hero Mahmoud Mohammed
21 Ahmed Abu Hanoud. Date of martyrdom, November 23rd, 2001.

22 MS. SHAPIRO: I wanted to look at the next page,
23 page 13. If you could blow up the bottom box.

24 Q. (BY MS. SHAPIRO) It has the remarks of a social worker.
25 Does the committees have social workers who evaluate the

1 family of the people --

2 MR. DRATEL: Objection; leading.

3 THE COURT: Overruled. Go ahead.

4 THE WITNESS: Yes.

5 Q. (BY MS. SHAPIRO) Let's read what the remarks of the
6 social worker are. "Remarks of the social worker about the
7 family's condition and his recommendations. The family's
8 financial situation is good, and it is a patient steadfast
9 family."

10 Do you know -- Have you heard of the English -- an
11 expression in English called need not creed? Do you know what
12 that means? It is okay if you don't.

13 A. Not exactly, no.

14 Q. Does it look like this family is in need of financial
15 assistance?

16 MR. DRATEL: Objection.

17 MS. HOLLANDER: Objection, Your Honor. He has no
18 way of knowing.

19 MR. DRATEL: Leading.

20 THE COURT: Are you asking from the document?

21 MS. SHAPIRO: From the document.

22 THE COURT: He can answer from the document.

23 THE WITNESS: I can answer from the document. The
24 family's financial situation is good, and it is patient
25 steadfast family.

1 Q. (BY MS. SHAPIRO) Okay. And is it your understanding
2 that -- You talked about earlier that Hamas supports --

3 MS. CAEDDU: Objection; leading.

4 THE COURT: Do you want to rephrase?

5 Q. (BY MS. SHAPIRO) Is this kind of a document consistent
6 with the lifecycle that you spoke about with respect to the
7 support for martyrs and special segments?

8 A. Yes.

9 MS. SHAPIRO: Let's look at the next file which
10 starts on page 21. And if we can go to the next page.

11 Q. (BY MS. SHAPIRO) Who is this person, if you know?

12 A. Imad Kamel Zabwidi.

13 Q. And who is Kamel Zabwidi?

14 A. Imad Kamel Zabwidi is a suicide bomber from Farsaba, a
15 town, a city near Tel Aviv.

16 Q. He is from Farsaba?

17 A. No. Sorry. He committed a suicide attack in a bus in
18 Farsaba City, which is a city near Tel Aviv.

19 Q. Okay.

20 MS. SHAPIRO: And let's look at page 34 of this
21 file. If you could make that bigger.

22 Q. (BY MS. SHAPIRO) This document identifies Imad
23 al-Zabwidi. It says the Islamic Resistance Movement, Hamas.
24 Correct?

25 A. Correct.

1 Q. "The martyr was born on March 31st, 1983 in the city of
2 Nablus, has three brothers and three sisters. Was raised in a
3 religious and observant and an adherent family. One of the
4 frequenters of mosques who observes prayers at their time.
5 Was an emir for the Islamic Student Movement in the Industrial
6 High School in Nablus. Was martyred on April 22nd, 2001 as an
7 executor of the Farsaba distinguished heroic, which inflicted
8 tens of dead and injured in the ranks of the Zionist enemy."

9 Now, again directing your attention back to the lifecycle
10 where you talked about the various steps along a Hamas
11 activist's life, as supplied and supported by these
12 committees, how does Imad al-Zabwidi fit into this lifecycle?

13 A. It fits. First of all, the Industrial High School, which
14 is supported by the zakat committee of Nablus, he was also a
15 student the of the Najat University. And again, this is an
16 example of a partial lifecycle with a student the zakat
17 committee actually supported in each stage. And that is what
18 I meant when I was talking about the lifecycle that in each
19 stage the zakat committee is there.

20 Q. Okay. Okay. Now, this has -- This family I believe was
21 also evaluated by the social worker. Is that right?

22 A. Right.

23 Q. Let's see if I can find that. I think it is on page 38.
24 And what does it say about -- the social worker say in this
25 instance? Shall I read that?

1 "Remarks of the social worker about the family's
2 condition and his recommendations. Missing items in the
3 household, a washer, a fridge, an iron, covers and sheets, a
4 wardrobe, beds, couches, plastic chairs, tables, pots,
5 complete household needs, school clothes, school and sports
6 shoes, carpets, floor coverings, a kitchen cabinet."

7 Is this also consistent with your view about the support
8 for these families? In other words --

9 MR. DRATEL: Objection; leading.

10 THE COURT: Sustained.

11 Q. (BY MS. SHAPIRO) You can answer the first question.

12 A. I will say that we just reviewed two cases, one of which
13 the condition, the financial condition was good, and the other
14 one that the financial condition is bad. But both are
15 supported by the zakat committee. And this is what I was
16 speaking about the criteria, supporting the special segment.
17 And it doesn't -- The financial situation is not in the first
18 priority.

19 As the leaders of Hamas spoke about many times, the fact
20 that they have to support families of prisoners and martyrs,
21 this is consistent with that philosophy--support a special
22 segment. In this case you can see Mahmoud Abu Hanoud --

23 Q. Can you repeat the name?

24 A. In the case of Mahmoud Abu Hanoud, the financial
25 situation was not the criteria. The criteria was the fact

1 that he committed a suicide attack. So the zakat committee
2 supports the population. I am not saying and I am not
3 implying that they support only martyrs, but they emphasize
4 the martyrs, they support the families of the martyrs and the
5 prisoners. As I am addressing the message that the
6 organization will be behind its members and their families,
7 will not abandon them and will be there for them, and also as
8 a glorifying for this group, special group for Hamas.

9 Q. And you said these were the al-Tadamoun committee. Who
10 from your committee leaders on your demonstrative board here,
11 who was associated with the al-Tadamoun subcommittee?

12 A. Hamed Al-Bitawi. He was the chairman of the al-Tadamoun
13 and he was a vice chairman of the Nablus zakat and the
14 chairman of the al-Tadamoun Society.

15 Q. Okay.

16 MS. SHAPIRO: Can we look at Elabarasse Search
17 No. 22, please? If we can go to the next page. The next
18 page. Okay.

19 Q. (BY MS. SHAPIRO) Do you see at the bottom where it says
20 al-Tadamoun, No. 7? "Our presence is weak and it has Sheikh
21 Hamed el-Bitawi and Charitable Society in Nablus." This is
22 1991. Correct?

23 A. Correct.

24 Q. And when did you say the Nablus zakat committee became
25 firmly controlled by Hamas? What year?

1 A. In 1993 I think that this was the point of no return.
2 There were other Hamas activities that joined the committee,
3 other Hamas activists, and it became fully controlled by the
4 zakat committee of Nablus.

5 Q. And since that time, 1993 all the way through 2001, was
6 the Nablus zakat committee part of the Hamas social wing?

7 A. Yes.

8 Q. Okay. We are going to turn your attention to the
9 Ramallah zakat committee. Have you had an opportunity to
10 study the Ramallah zakat committee?

11 A. Yes.

12 Q. Can you show us on this map where Ramallah is?

13 A. North from Jerusalem, very close to Jerusalem. Yes, in
14 the middle of the West Bank.

15 Q. Where is Jerusalem? Is it the shaded area?

16 A. Yes, correct.

17 Q. Is I am going to show you again a series of pictures and
18 ask you to identify these pictures. These are pictures 38
19 through 43.

20 Picture No. 38, can you identify who that is.

21 A. Mahmud Rumhi.

22 Q. And picture No. 39?

23 A. Omar Hamdan.

24 Q. And picture No. 40?

25 A. Mahmud Musleh.

1 Q. Picture No. 41?

2 A. Ahmad Zeid.

3 Q. Picture No. 42?

4 A. Fadel Hamdan.

5 Q. And picture No. 43?

6 A. Husni Abu Awad.

7 MS. SHAPIRO: Your Honor, I move to admit Pictures
8 38 through 43.

9 THE COURT: Same objections?

10 MS. HOLLANDER: Yes, Your Honor.

11 THE COURT: Those are overruled, and those pictures
12 are admitted.

13 Q. (BY MS. SHAPIRO) And did you also assist in the
14 demonstrative poster for the Ramallah zakat committee?

15 A. Yes, I have.

16 Q. And that would be Demonstrative No. 25.

17 MS. SHAPIRO: I move the admission of Demonstrative
18 No. 25, Your Honor?

19 THE COURT: Same objection?

20 MS. HOLLANDER: Same objection.

21 THE COURT: That is overruled, and demonstrative
22 No. 25 is admitted.

23 Q. (BY MS. SHAPIRO) The first picture, can you see it,
24 Mahmud Rumhi. Who is he?

25 A. Mahmud Rumhi is one of the founders of Hamas in the West

1 Bank, the early -- active from the early stages when Hamas was
2 founded in the West Bank, a member of the zakat in Ramallah.
3 Actually he acted as a chairman for the Ramallah committee
4 until a certain stage when he was arrested. He was tried.
5 And after he was released, he continued to work in one of
6 the -- in the hospital of the zakat committee of Ramallah.

7 Q. Okay.

8 A. Today he is a member of the parliament identified with
9 Hamas.

10 Q. And when do you know him to -- When was the earliest time
11 you know him to be on the Ramallah zakat committee?

12 A. This I need to check.

13 Q. Go ahead.

14 A. I know him since 1991.

15 Q. Since 1991. And is Mahmud Rumhi known, in your opinion,
16 in the community to be identified with Hamas?

17 A. Yes.

18 Q. Okay. And the next person here, Omar Hamdan, who is he?

19 A. Omar Hamdan is a member from the early stages also in the
20 Ramallah zakat committee. I know him as a member from 1989, I
21 think maybe before, but from 1989 I know him for sure one of
22 the senior Hamas members from the Ramallah area. Until a
23 certain stage until the year 2000, I think, he was a member of
24 the Ramallah zakat committee. And then he was moved to other
25 society that is also linked to the Ramallah zakat committee

1 called el-Isla in Ramallah. It is another Hamas committee
2 that is related to the Ramallah zakat committee. So he was a
3 member almost until 2000.

4 Q. And was Omar Hamdan known in the community, based on your
5 research, as a Hamas -- as someone connected to Hamas?

6 A. Yes.

7 Q. Okay. Mahmud Musleh, who is he?

8 A. Mahmud Musleh, together with Mohammed Fuad Abu Zeid, that
9 we mentioned before --

10 Q. From the Jenin zakat committee?

11 A. From the Jenin, they were considered the founders of
12 Hamas in the West Bank. There are few founders, but they are
13 both really considered one of the prominent founders of Hamas.
14 He is a known Hamas leader. He also was elected to the
15 Palestinian parliament by Hamas, and he was acting in the
16 committee -- I need to check exactly, if I can.

17 Q. Sure.

18 A. The exact dates. According to my records, he was in the
19 committee from 1992 until 2006 when he was elected.

20 Q. Okay. And Ahmad Zeid?

21 A. Ahmad Zeid is another Hamas activist, a member of the
22 committee. He also moved to al-Isla, this committee that
23 relates -- I am hoping I am not mixing everything, but in 1997
24 there was a committee that split from the Ramallah zakat
25 committee --

1 Q. That is the el-Isla?

2 A. It is the el-Isla. It split because they took some of
3 the tasks of the Ramallah zakat committee.

4 Q. And explain again where Ahmad Zeid fit into that?

5 A. Ahmad Zeid also shifted to the el-Isla in Ramallah when
6 it was established in 1997. So he was a member until 1997 in
7 Ramallah, and then he moved to the el-Isla, to the other
8 committee in Ramallah.

9 Q. Okay. And Fadel Hamdan?

10 A. Fadel Hamdan is a known Hamas activist, senior one, and
11 also was elected as a member of the parliament by the
12 Palestinians. I am mentioning the fact that they were elected
13 because they demonstrate how senior they are. The Hamas, they
14 put his candidates list as a senior Hamas activist, and that
15 is why I am mentioning it. And he was all the way, I mean
16 until -- From 1989 at least until 2003, maybe after this date,
17 a member of the Ramallah zakat committee.

18 Q. Okay. And Husni Abu Awad?

19 A. Husni Abu Awad after Mahmud Rumhi, that I mentioned, the
20 first one, Mahmud Rumhi, was arrested, he acted as a chairman
21 and then was appointed as a chairman I think in 1996. He is
22 also a Hamas member. He was acting as a chairman of the
23 committee until 2007.

24 Q. Okay. Was the Ramallah zakat committee connected to any
25 of the other committees that we have either talked about or

1 will be talking about?

2 A. Yes. The Ramallah committee had connection with other
3 Hamas committees, and also had subcommittees like a Nu'un
4 Center for Quran and research, Islamic research, and other
5 small committees of Hamas like al-Huda, some committees, small
6 committees in the area of Ramallah. It was also linked to
7 other committees in the -- I would say in the middle West
8 Bank, such as Bethlehem, Jericho, and this area.

9 Q. Okay. Let me just identify on your demonstrative if you
10 can tell me which if any of these individuals Hamas itself has
11 identified as being part of Hamas. Can you just point out
12 which ones?

13 A. Mahmud Rumhi.

14 Q. Okay.

15 A. Omar Hamdan, Mahmud Musleh, Fadel Hamdan.

16 Q. Okay. Those four?

17 A. Yes.

18 Q. Okay.

19 MS. SHAPIRO: Could we bring up PA No. 8, please?

20 Q. (BY MS. SHAPIRO) Have you seen any indication of how the
21 Palestinian Authority views the Ramallah zakat committee?

22 A. The Palestinian Authority had very close surveillance
23 after the committee of Ramallah, the zakat committee of
24 Ramallah. The headquarters of the Palestinian Security
25 Service was located in Ramallah. And there were many reports

1 that I reviewed about the Ramallah zakat committee.

2 Q. Is this one of those reports?

3 A. This is one of those.

4 Q. And what is the date of this document?

5 A. May 22, 2000.

6 Q. Okay.

7 MS. SHAPIRO: Let's go to the first page of the
8 translation.

9 Q. (BY MS. SHAPIRO) Okay. And it says, "Palestinian
10 National Authority, General Intelligence, Ramallah and
11 al-Bireh governorate.

12 "Security work plan. Accomplishments of Ramallah and
13 al-Bireh governorate within the work plan and outside it since
14 the start of the crisis prepared by the operation room, May
15 22nd, 2000."

16 MS. SHAPIRO: If we can go to the second page,
17 please.

18 Q. (BY MS. SHAPIRO) And do you see there is a table of
19 contents? No. 7, "institutions affiliated with Hamas."

20 MS. SHAPIRO: And if we can go to the next page,
21 please.

22 Q. (BY MS. SHAPIRO) Can you read the third bullet point?

23 A. Dr. Husni Abu Awad chairs the committee, and he is a
24 pediatrician in Hamas clinics in addition to Darwish
25 al-Zal-Zein or El-Mezain.

1 Q. Is this the same Husni Abu Awad that is on your
2 demonstrative poster?

3 A. Yes.

4 Q. And who are the people that are listed on the next page
5 on this document under the most important active members of
6 the zakat committee in Ramallah and al-Bireh governorates?

7 A. The first one is Husni Abu Awad.

8 Q. That is the same person on your demonstrative exhibit.
9 Right?

10 A. Yes.

11 Q. That we just talked about?

12 A. He is the committee chairman. You can see the
13 affiliation row there, affiliation.

14 Q. What does that say?

15 A. Hamas.

16 Q. Okay. And the next person?

17 A. Omar Hamdan.

18 Q. I think you missed Darwish al-Zein?

19 A. He was just mentioned.

20 Q. Okay. And Omar?

21 A. Agel Rabi'e is not identified. I don't know this person
22 also because there is no full name, so I don't know who they
23 are talking about in this case.

24 Q. Okay.

25 A. No I.D., no other detail.

1 Q. The next person?

2 A. Nabil Mansur, Nabil Abdel Hadi Mustafa Mansur, Hamas says
3 we arrested him, we it means the PA, and that is what -- This
4 is a PA document.

5 Q. All right. And the next person?

6 A. Mahdi Mahmoud Irbrahim Muslih.

7 Q. Is that the same Mahmud Musleh on your poster?

8 A. This is his son.

9 Q. His son. Okay. And what does it say in the rest of that
10 row?

11 A. The son is Hamas spokesman.

12 Q. Okay.

13 A. So maybe they wanted to refer to the son, but of course
14 this is speculation. But the Hamas affiliation --

15 MS. HOLLANDER: Objection. He just said this is
16 speculation, Your Honor.

17 MS. SHAPIRO: That is fine. I will withdraw the
18 question, Your Honor.

19 THE COURT: Okay.

20 Q. (BY MS. SHAPIRO) Do you see the first bullet point where
21 it says, "Through our follow-up it was determined that the
22 committee transfers funds from overseas to Hamas"? Okay. Is
23 this the language of the Palestinian Authority?

24 A. Yes.

25 Q. Is it consistent with your analysis?

1 A. Yes. It is additional to my analysis, because the
2 sources of financing sources we have -- I reviewed some
3 material that also collaborate with what the Palestinian
4 Authority writes here about the financial resources.

5 Q. But you agree with the Palestinian Authority with respect
6 to the individuals that you know on this list and their
7 affiliation?

8 A. Except the Aqel Rabi'e. I don't know who it is.

9 Q. But the ones you do know?

10 A. Yes, yes.

11 Q. Okay.

12 MS. SHAPIRO: And can we look at PA No. 9, please?

13 Q. (BY MS. SHAPIRO) This is another document from the
14 Palestinian Authority?

15 A. Yes.

16 MS. SHAPIRO: Can you go to page 2, please?

17 Q. (BY MS. SHAPIRO) "Subject: The zakat committee,
18 financing foreign support from several countries.

19 "This committee supports families of detainees and
20 families of deportees. It financially supports needy students
21 and distributes money and clothes to the orphans and the poor.
22 Officials and members of this committee are associated with
23 Hamas movement and some of them are activists in the
24 Movement."

25 Again, do you agree with this document?

1 A. The criteria that -- Some of the criteria that I use as a
2 guideline are expressed in this letter. There are financial
3 resources, the kind of activities and affiliation of members
4 to Hamas.

5 MS. SHAPIRO: Can we pull up the Ramallah zakat
6 summary, please? And this is a summary of exhibits in
7 evidence in this case that connect the Holy Land Foundation to
8 the Ramallah zakat committee. Can you read the names across
9 the top and see if you recognize them?

10 A. Mahmud Rumahi.

11 Q. Is he on your demonstrative exhibit?

12 A. Yes.

13 Q. Okay. The next person?

14 A. Hosni Abu Awad, the chairman, and he is on the second row
15 on the right. Omar Hamdan on the first row in the middle,
16 Mahmoud Mosleh on the first row on the right. Darwish Zein is
17 not appearing here.

18 Q. Do you know who he is?

19 A. Yes, I do.

20 Q. Did we see him on the Palestinian Authority document?

21 A. Yes, we see. Hamza Deeb I am not familiar --

22 Q. Okay.

23 A. -- with him. I know he is --

24 Q. And Fadel Hamdan?

25 A. Fadel Hamdan is in the second row in the middle.

1 Q. Okay.

2 MS. SHAPIRO: Can we bring up InfoCom Search No. 63,
3 please?

4 Q. (BY MS. SHAPIRO) This is another letter to CBS in
5 connection to the Eye On America program.

6 A. Yes.

7 Q. Which committee does this come from?

8 A. This is the zakat committee of Ramallah.

9 Q. Okay. Now, focusing your attention on the period of 1995
10 to 2001, in your opinion was this committee controlled by
11 Hamas during that time?

12 A. Yes.

13 Q. And during that time was the Ramallah zakat committee
14 part of the Hamas social wing?

15 A. Yes.

16 Q. Okay. Let's move to another committee, the Tulkarem
17 zakat committee. Have you had an opportunity to research the
18 Tulkarem zakat committee?

19 A. Yes.

20 Q. And can you show us where Tulkarem is on this map? I
21 think there is a misspelling on it. Can you identify where it
22 is?

23 A. On the north and west of the West Bank, Tulkarem.

24 Q. Okay. It should be T-U-L-K-A-R-E-M?

25 A. Correct.

1 MS. SHAPIRO: Can we bring up payments to Tulkarem,
2 please?

3 Q. (BY MS. SHAPIRO) Again, these are payments that show
4 money from the Holy Land Foundation to the Tulkarem zakat
5 committee. What is the date of the first payment?

6 A. May 1st, 1991.

7 Q. Okay.

8 MS. SHAPIRO: And let's go to the last payment.

9 THE WITNESS: October 25, 2001.

10 Q. (BY MS. SHAPIRO) And are you familiar with the
11 leadership of this committee?

12 A. Yes.

13 Q. I am going to again show you a collection of pictures.
14 These are numbered 49 to 54.

15 MS. SHAPIRO: May I approach, Your Honor?

16 THE COURT: Yes.

17 Q. (BY MS. SHAPIRO) I am going to ask you to just identify
18 from the picture alone these different photographs.

19 Picture No. 49.

20 A. Bilal Khamis.

21 Q. Picture No. 50?

22 A. Hosni Hawaja.

23 Q. Picture No. 51?

24 A. Amar Badawi.

25 Q. Picture No. 52?

1 A. Fathi Qarawi.

2 Q. Picture No. 53?

3 A. Ali Dado.

4 Q. And picture No. 54?

5 A. Omar Badir.

6 MS. SHAPIRO: I move the admission, Your Honor of
7 Pictures 49 through 54.

8 THE COURT: Same objection?

9 MS. DUNCAN: Same.

10 THE COURT: And that is overruled. Those exhibits
11 are admitted.

12 Q. (BY MS. SHAPIRO) And did you assist in the preparation
13 of a demonstrative, like the others, with respect to Tulkarem
14 zakat committee?

15 A. Yes.

16 MS. SHAPIRO: Move the admission of Demonstrative
17 No. 24.

18 MS. DUNCAN: Same.

19 THE COURT: Overruled, and Demonstrative No. 24 is
20 admitted.

21 MS. SHAPIRO: One moment, Your Honor.

22 THE COURT: All right.

23 MS. SHAPIRO: If we can bring it up on the screen.

24 Your Honor, this one has two committees on it, so maybe I
25 should go ahead and admit the demonstrative from the second

1 committee.

2 THE COURT: Do you want to lay the predicate?

3 MS. SHAPIRO: It is one demonstrative, but I will
4 have him identify the pictures first.

5 THE COURT: Yes.

6 Q. (BY MS. SHAPIRO) We are jumping ahead of ourselves a
7 little bit, but I am going to ask you to identify two more
8 pictures. Okay? This is picture No. 56.

9 A. Ibrahim Dawoud a.k.a. Bilal Hanun.

10 Q. Which committee?

11 A. Qalqilya zakat committee.

12 Q. And picture No. 56?

13 THE COURT: You just said No. 56.

14 MS. SHAPIRO: I am sorry. Then I meant 55 for the
15 earlier one.

16 THE COURT: So the first one was No. 55?

17 MS. SHAPIRO: Yes.

18 Q. (BY MS. SHAPIRO) And picture No. 56?

19 A. Riad Walwil.

20 Q. And which committee is he with?

21 A. Also from the Qalqilya zakat committee.

22 MS. SHAPIRO: Your Honor, I move the admission of
23 Pictures 55 and 56.

24 THE COURT: Same objection?

25 MS. DUNCAN: Yes.

1 THE COURT: And those pictures are admitted.

2 Q. (BY MS. SHAPIRO) Now, I will display the demonstrative
3 poster that had both of those committees on it. Okay. Who is
4 Bilal Khamis?

5 A. Bilal Khamis is the vice chairman of the committee since
6 1993 and also the head of the waqh, the endowments ministry.

7 Q. For the Palestinian Authority?

8 A. No, in -- Yes. Actually after the Palestinian Authority
9 went into -- took control of the West Bank. So yes, it was
10 for the Palestinian Authority. But it -- He was appointed
11 before as the head of the waqh.

12 Q. In the Jordanian waqh?

13 A. The Jordanian waqh.

14 Q. And again, the waqh is what?

15 A. The endowments, the ministry of religious affairs.

16 Q. And what role does the waqh have with respect to the
17 zakat committees?

18 A. Actually the role of the waqh is to supervise the zakat
19 committee, the charity committees.

20 Q. And is Bilal Khamis, does he have a connection to Hamas?

21 A. He is a senior Hamas leader in the northern West Bank.

22 Q. What about Hosni Hawaja?

23 A. Hosni Hawaja is the chairman of the zakat committee of
24 Jenin, also known as Hamas. Not Jenin.

25 Q. Go ahead. If you want to correct that?

1 A. Of Tulkarem. Sorry. In -- Since at least 1993 he is the
2 chairman of the zakat committee of Tulkarem.

3 Q. Okay. And does he have a connection to Hamas?

4 A. Yes.

5 Q. And Amar Badawi?

6 A. Amar Badawi is a member of Hamas and also responsible for
7 the Quran memorization center of the committee in charge of
8 this department.

9 Q. And does he have a connection to Hamas?

10 A. He is a Hamas activist, yes.

11 Q. And Fathi Qarawi?

12 A. Fathi Qarawi is also a member of the committee and
13 recently, two years ago, was elected to the Palestinian
14 parliament by Hamas.

15 Q. Ali Dado?

16 A. Also a Hamas activist, member of the committee.

17 Q. And Omar Badir?

18 A. Member of the committee and a Hamas activist.

19 Q. Do you know the time frame that Ali Dado and Omar Badir
20 were on the committee?

21 A. I have to check.

22 Q. Go ahead.

23 A. Omar Badir, my indication from 1989 until 1998. This is
24 Omar Badir. And the second one that you asked?

25 Q. Ali Dado.

1 A. Ali Dado from 1991 until 1998 also.

2 Q. Okay. And were any of the people you have identified at
3 the Tulkarem zakat committee, did any of them have any
4 involvement with the military side of Hamas?

5 A. Ali Dado.

6 Q. And what was his connection?

7 A. He established several cells of Hamas. He founded
8 several cells in and recruited new members to Hamas, cells
9 that committed military activity, and he also was linked to
10 the military cells in Jenin area. And he was -- My review
11 also is the prosecution file, and he was also convicted in
12 this activity.

13 MR. DRATEL: Object, Your Honor; confrontation.

14 THE COURT: Overruled as far as that information.

15 MS. SHAPIRO: Okay. May I approach the
16 demonstrative, Your Honor?

17 THE COURT: Yes.

18 Q. (BY MS. SHAPIRO) I can put a red sticker next to Ali
19 Dado?

20 A. Yes.

21 Q. Have any of the others up here been identified by Hamas
22 as being Hamas members?

23 A. Bilal Khamis.

24 Q. Okay.

25 A. Amar Badawi. Fathi Qarawi.

1 Q. What about Ali Dado?

2 A. He was not identified publicly by Hamas.

3 Q. Okay.

4 MS. SHAPIRO: Can we pull up the Tulkarem Zakat
5 Account No. 1, please? If you could enlarge the bottom half,
6 please.

7 Q. (BY MS. SHAPIRO) Do you see any of the people from your
8 demonstrative here on this bank record, Tulkarem Zakat Account
9 No. 1?

10 A. Yes.

11 Q. Who is that?

12 A. Bilal Khamis Sufaira and Hosni Khawaja.

13 Q. Are are you familiar with the chairman listed here
14 Mahmoud Yassin Ahmed Sheikh Yassin?

15 A. Yes. He was the former chairman before Hosni Khawaja,
16 and Hosni Khawaja -- He died and Hosni Khawaja replaced him.

17 Q. This is not the Sheikh Yassin in the poster, the head of
18 Hamas? This is a different one?

19 A. No, this is not Sheikh Ahmed Yassin from the posters.

20 MS. SHAPIRO: And could we pull up HLF Search
21 No. 171, please. Next page.

22 Just a moment, please.

23 THE COURT: All right.

24 MS. SHAPIRO: Is this a good time for a break? We
25 are looking for an exhibit.

1 THE COURT: That is fine. Let's take a 20-minute
2 break. Be back at 25 after.

3 (Whereupon, the jury left the courtroom.)

4 THE COURT: All right. We will be in recess until
5 25 after.

6 (Brief recess.)

7 THE COURT: Ms. Shapiro?

8 MS. SHAPIRO: Thank you.

9 Q. (BY MS. SHAPIRO) Okay. Before the break we were talking
10 about the Tulkarem zakat committee and its key leaders, and we
11 were trying to pull up HLF Search No. 171.

12 MS. SHAPIRO: If we could do that now. And if you
13 could pull out, please.

14 Q. (BY MS. SHAPIRO) This document is HLF Search No. 170.
15 Go up to the top again.

16 MS. HOLLANDER: I thought you said No. 171.

17 MS. SHAPIRO: This is No. 170. I am sorry. We will
18 get to 171.

19 MS. HOLLANDER: Thank you.

20 Q. (BY MS. SHAPIRO) All right. A letter, Holy Land
21 Foundation for Relief and Development. And I wanted to go
22 down to see the signatory of the letter. It says, "Yours
23 sincerely, chairman of the board of trustees Hosni Khawaja.
24 Is Hosni Khawaja one of the people you put on your
25 demonstrative poster for Tulkarem zakat committee?

1 A. Yes.

2 Q. Okay. And let's look at what year this letter was
3 written. It looks like October 16, 2000.

4 MS. SHAPIRO: And can we look at HLF Search No. 171,
5 another document dated October 31st, 1995. Okay? And from
6 the Tulkarem zakat committee.

7 Can we scroll down to the bottom again, the second page.

8 Q. (BY MS. SHAPIRO) This letter addresses a hospital. It
9 says, "The first dean's counsel for the hospital at Tulkarem
10 is as follows." What is first name on the list?

11 A. Hosni Hazim Hussein al-Khawaja.

12 Q. Is this the same Hosni Khawaja we see on the Tulkarem
13 committee?

14 A. Yes.

15 Q. And No. 3 on this list right under Hosni al-Khawaja is
16 who?

17 A. Bilal Khamis, Yusef Safaira.

18 Q. Is that the same as Bilal Khamis on this poster?

19 A. Yes.

20 MS. SHAPIRO: Can we pull up the Tulkarem zakat
21 summary, please?

22 Q. (BY MS. SHAPIRO) If we can look across this summary
23 exhibit to the names here, what names do you see listed for
24 Tulkarem zakat committee. First name?

25 A. First name is Hosni Khawaja.

1 Q. The same Hosni Khawaja?

2 A. The same.

3 Q. Next?

4 A. Hamed Qadan.

5 Q. Do you know who that is?

6 A. Yes. He is a member of the committee, and he is also a
7 Hamas activist, not in the hierarchy, he is not a central
8 member, but he is on the board.

9 Q. Okay. Bilal Khamis?

10 A. Bilal Khamis we mentioned -- I mentioned him, the first
11 row on the left.

12 Q. Amar Badawi?

13 A. Amar Badawi, second from the right on the upper row.

14 Q. Bashar al-Karami?

15 A. Bashar al-Karami is the administrator for the hospital
16 for the Tulkarem zakat committee, also a Hamas activist.

17 Q. And Fathi Qarawi?

18 A. Fathi Qarawi is the one on the right, the upper row.

19 Q. Okay. And do you know who Abdel Karim Abu Samahah is?

20 A. No.

21 Q. Okay. All right. During the course of your research on
22 this committee, did you see any items that were seized from
23 the committee that assisted you in your analysis?

24 A. Yes. I reviewed some items that also helped me to make
25 my opinion about the committee.

1 Q. Okay. Let me just show you what has been admitted as
2 Tulkarem Zakat No. 1. This is Tulkarem Zakat No. 1. And what
3 is this?

4 A. This is a poster of one of the Izz el-Din al-Quassam
5 activists Moya'ed Salah Eddin.

6 Q. Can you speak up a little bit? I am having trouble
7 hearing you.

8 A. Moya'ed Salah Eddin.

9 Q. That is the name of the person?

10 A. That is the name of the person.

11 Q. Is there something on here that indicates that this is a
12 Hamas poster?

13 A. First of all, there is the name of the Movement Harakat
14 al-Muqawaman al Islamiyya in the second row, Hamas in the
15 parentheses.

16 Q. And what is -- Are there any symbols on here that tells
17 you it is Hamas?

18 A. And on the left, the upper left, the symbol of Hamas.

19 Q. Up here?

20 A. Yes.

21 Q. Okay. And what is the insert on the upper right hand
22 corner?

23 A. It looks like Sheikh Izz el-Din.

24 Q. Who is he?

25 A. One of the -- The Izz el-Din al-Quassam Brigades are

1 calling on his behalf on his name.

2 Q. Okay.

3 MS. SHAPIRO: Let's look at another one, Tulkarem
4 Zakat No. 2?

5 Q. (BY MS. SHAPIRO) Where did this come from?

6 A. Tulkarem zakat committee.

7 Q. Did all of the items we are going to be talking about
8 come from the Tulkarem zakat committee?

9 A. Yes.

10 Q. Okay. And who is depicted on this poster?

11 A. Who is --

12 Q. Who are the people depicted on this poster?

13 A. On the right the guy, yes, this is Jamal Mansour Abu
14 Baker.

15 Q. Okay. And this is?

16 A. Jamal Salim.

17 Q. And down here?

18 A. Salah Darouza.

19 Q. And have we seen Salah Darouza's picture before?

20 A. Yes.

21 Q. Do you remember which committee?

22 A. I think I saw it -- I saw it in Nablus zakat, and on the
23 computer you showed me some pictures of Salah Darouza on the
24 computer.

25 Q. Were there -- I show you again from the Holy Land

1 Foundation pictures, these are from Dallas.

2 MS. SHAPIRO: And I will give you a number, HLF
3 Search No. 47.

4 Q. (BY MS. SHAPIRO) Okay. Who is this?

5 A. Jamal Mansour.

6 Q. Is that the same person who is in this poster?

7 A. Yes.

8 Q. Okay. And did we also see him here?

9 A. Yes, Jamal Mansour is the second from the right. Salah
10 Darouza on in the middle, and Jamal Salim on the left.

11 Q. Okay. And this one came from the Holy Land computer in
12 Chicago, same picture different exhibit, HLF Search No. 51.
13 Is this the same individual?

14 A. Yes, also written here Jamal Mansour.

15 Q. Let's look at -- Let me show you one more. This is from
16 HLF Search No. 50 from the Holy Land Foundation computers in
17 New Jersey. Let me see if we can make this a little bigger.
18 Do you see the same individual here?

19 A. Yes. The first -- On the upper row, Jamal Mansour.

20 Q. Here?

21 A. Yes, Jamal Mansour. Jamal Salim, Salah Darousa. From
22 the second row there is Khalid Bishawi, Atman Katanani. These
23 are from the al-Najat.

24 Q. Is this a Hamas poster?

25 A. This is a Hamas poster.

1 Q. While we are on the Holy Land computer, did you see other
2 Hamas posters in your review of those photographs?

3 A. Yes.

4 Q. Okay. I am just going to show you a few. Okay? These
5 photos come from HLF Search No. 47 which are from the Dallas
6 office. How do you know that that picture is Hamas?

7 A. If you can zoom it out.

8 Q. Bigger?

9 A. The other way.

10 Q. Was there a symbol on here that tells you anything?

11 A. There is the symbol of Hamas of the Izz el-Din al-Quassam
12 Brigades. It is the military arm.

13 Q. This is the emblem?

14 A. Yes, it is the emblem.

15 Q. Okay. And this, do you see that same symbol?

16 A. The same symbol, and these guys Osama Baker and Avil
17 Khalabiah, both suicide bombers from Jerusalem. They both
18 committed suicide attacks together in Jerusalem.

19 Q. These individuals?

20 A. Yes. This is a picture before they got to the operation.

21 Q. And I am just going to show you a few from -- These are
22 from the Chicago office, the Holy Land Foundation computers.
23 Is that another one?

24 MS. DUNCAN: Counsel, will you let us know the photo
25 numbers?

1 MS. SHAPIRO: Yes, I am sorry. That is photo No.
2 93.

3 Q. (BY MS. SHAPIRO) Does that also appear to be a Hamas
4 poster?

5 A. Yusef Akhil, The Izz el-Din al-Quassam brigades emblem on
6 the upper left.

7 Q. And this is picture No. 98.

8 A. These are several members of the Izz el-Din al-Quassam
9 Brigades, and I know there is Fatah Buquake, there is Hashem
10 Najal that we spoke from Nablus on the postcard, the cycle,
11 where we spoke about the cycle, the lifecycle.

12 Q. Who is in the corner on the right hand?

13 A. Yehia Ayyash, the engineer.

14 Q. I just want to make sure we can here you. Yehia Ayyash?

15 A. The engineer. The nickname is the engineer, and he was
16 the head of the Izz el-Din al-Quassam.

17 Q. And what is the symbol on the left hand corner?

18 A. Hamas.

19 Q. And this is picture 112. And is this also a Hamas
20 poster?

21 A. Yes. You can see on the emblem on the right the Izz
22 el-Din al-Quassam emblem.

23 Q. Right. Did you see many of these in the Holy Land
24 computer pictures?

25 A. Yes. I see many of these.

1 Q. Let's go back to the posters in the Tulkarem zakat
2 committee. If we can look at Tulkarem Zakat No. 3. Is this
3 the original of Tulkarem Zakat No. 3?

4 A. Yes.

5 Q. And can you see the string on the back of it?

6 A. Yes.

7 Q. And who is this picture of?

8 A. This is a picture of Yehia Ayyash Abu Bara'a, the
9 engineer nickname, and son Abu Bara'a. This is his son.

10 Q. And was Yehia Ayyash someone who is respected amongst
11 Hamas followers?

12 A. Yes, yes.

13 Q. Would you call him even a hero?

14 A. A hero, a model, his name is mentioned in the videos that
15 I reviewed, very respected.

16 Q. Do you know whether or not Yehia Ayyash's family was in
17 need of financial assistance?

18 A. They were supported by a few committees, and they were
19 not in bad financial situation.

20 Q. I am sorry. I didn't understand you. Can you say that
21 again?

22 A. They were not in a bad financial situation, according to
23 reviews that I have seen, because they were supported by
24 several committees, not one committee, as a symbol. I would
25 say it was an honor to support him.

1 Q. Okay.

2 A. Support his family.

3 Q. And I am going to show you a picture again from the Holy
4 Land computers. This is picture No. 6 from the Dallas office
5 which is HLF Search No. 47. And who is depicted in this
6 picture?

7 A. This is Yehia Ayyash, the same, the engineer.

8 MS. SHAPIRO: And let's go to Tulkarem No. 4.

9 Q. (BY MS. SHAPIRO) Do you recognize this in Tulkarem No.
10 4?

11 A. Yes.

12 Q. And it has a string in the back for hanging?

13 A. Yes.

14 MS. SHAPIRO: Let's go to Tulkarem No. 5. And if we
15 could go to the --

16 Q. (BY MS. SHAPIRO) What does it say in the top left hand
17 corner?

18 A. Izz el-Din al-Quassam martyr phalanx.

19 Q. Is that the Izz el-Din al-Quassam Brigade? What is that
20 again?

21 A. It is the military arm of Hamas.

22 MS. SHAPIRO: Can we go to the second page?

23 A. Martial wing they call it the martial wing of the Hamas
24 movement.

25 MS. SHAPIRO: Could we enlarge the top few

1 paragraphs? I am just going to read the second and third
2 paragraphs here.

3 Q. (BY MS. SHAPIRO) "O Multitudes of our struggling
4 Palestinian people, O our deep-rooted Arab and Muslim nation
5 with success granted by God, His care and safety, the hero
6 martyr Abdul Baset Mohamed Qasem Odeh from the steadfast city
7 of Tulkarem was able to bypass all the Zionist security
8 measures, the highest in place, arriving at 7:25 Wednesday
9 evening Muharran 13, 1423, corresponding to March 27th, 2002,
10 at the inside of the targeted hotel Park in the city of Um
11 Khalid, the so-called city of Natanya, in the heart of our
12 occupied land '48 A.D., exploding his pure body in the midst
13 of a throng of Jewish settlers, the extortionists of our
14 cities and villages."

15 What is this about?

16 MR. DRATEL: Object to 403 and *al-Moayad*.

17 MS. HOLLANDER: Object on grounds of 703 also.

18 THE COURT: Overruled.

19 Q. (BY MS. SHAPIRO) What is this document?

20 A. This is a claim or brochure, announcement, leaflet.

21 Q. A claim of responsibility?

22 A. Claim of responsibility of Hamas of the Izz el-Din
23 al-Quassam for the suicide attack in the Park Hotel in Netanya
24 in the eve of Passover in 2002.

25 Q. Where is the Park Hotel?

1 A. The Park Hotel is a city on the shore called Netanya.

2 Q. Is it within Israel?

3 A. Within Israel, yes.

4 Q. Okay. Is it near Tel Aviv?

5 A. Twenty miles from Tel Aviv, to Tel Aviv.

6 Q. Okay.

7 MS. SHAPIRO: And if you will turn to Tulkarem No.

8 6.

9 Q. (BY MS. SHAPIRO) Who is this person?

10 A. This is Abdul Baset Mohamed Odeh.

11 Q. Is this the person that the previous document was
12 referring to?

13 A. Yes.

14 Q. Okay. And who is he?

15 A. He is a suicide bomber of the Park Hotel. And you can
16 see there is the emblem of the Izz el-Din al-Quassam.

17 Q. Which one is the --

18 A. Yes, this is the Izz el-Din al-Quassam emblem. And from
19 both sides upper there is the Hamas emblem, and also there is
20 the name Harakat al-Muqawaman al Islamiyya, Tulkarem.

21 MS. SHAPIRO: Let's look at Tulkarem No. 7.

22 Q. (BY MS. SHAPIRO) Is this another Hamas poster? Can you
23 identify this?

24 A. Yes.

25 Q. And how can you tell it is Hamas?

1 A. Imad Agel is a known -- was a commander -- Until 1993 he
2 was the commander of the Izz el-Din al-Quassam in the West
3 Bank.

4 Q. And is that the person pictured -- Which one is the
5 person you are talking about?

6 A. On the right upper right.

7 Q. The adult?

8 A. The adult, yes.

9 Q. Yes.

10 A. The adult, yes.

11 MS. SHAPIRO: Let's look at Tulkarem No. 9.

12 Q. (BY MS. SHAPIRO) What is this poster? Can you identify
13 it?

14 A. This poster is a slogan that the Arabic and Hebrew
15 translations are not similar, but it is a slogan saying that
16 the Jewish society is coming to an end or something like this.
17 This is what is written.

18 Q. And is there a sign that this is a Hamas poster on the
19 poster itself?

20 A. On the lower left there is the emblem of the Izz el-Din
21 al-Quassam emblem.

22 Q. Okay.

23 MS. SHAPIRO: Let's look at Tulkarem No. 10.

24 Q. (BY MS. SHAPIRO) Can you identify the person depicted in
25 this paragraph?

1 A. Mousa Abu Marzook.

2 Q. And who is Mousa Abu Marzook?

3 A. It was the Hamas head of the political bureau before
4 Khalid Mishal.

5 Q. I will have you take one moment to just have you identify
6 him on our poster. Can you find Mousa Abu Marzook on the
7 poster Demonstrative No. 17?

8 A. On the first row the right, Mousa Abu Marzook.

9 Q. Let's look to the translation of this poster for a moment
10 on the next page. It says, "Dr. Mousa Abu Marzook, head of
11 the political office of the Islamic Resistance Movement,
12 Hamas. Peace to the one who is laden with iron and who is
13 proud like a victorious leader as if the handcuffs in his
14 hands are keys to a prosperous future."

15 Now, Dr. Mousa Abu Marzook, he is alive today. Is that
16 right?

17 A. Right, correct.

18 Q. And do you know what they are talking about in this
19 poster when it says "laden with iron and handcuffs"? Do you
20 know what those references are?

21 A. He was arrested in the U.S.

22 Q. He was arrested in the United States?

23 A. In the United States.

24 Q. Do you know about when that was?

25 A. I think it was about 1995.

1 Q. Showing you again a picture from HLF Search No. 51 from
2 the Holy Land computers in Chicago, this is picture No. 36.
3 Can you identify who this is?

4 A. Mousa Abu Marzook.

5 Q. Okay. Did you see other pictures of Mousa Abu Marzook
6 amongst these photographs?

7 A. Yes.

8 Q. Now, based on seeing all of these items that we have just
9 reviewed from the Tulkarem zakat committee, how does that
10 contribute to your opinion with respect to the character of
11 that committee?

12 A. It contributes but it is not the only thing. I didn't
13 mention another criteria which applied to the Tulkarem zakat
14 committee.

15 Q. What other criterion applied to the Tulkarem zakat
16 committee?

17 A. For example, supporting the special segments, the
18 connection to other Hamas social institutes like the Islamic
19 Society, like the Islamic Charitable Society in Hebron, these
20 closed network, the financial resources like Interpal that we
21 saw on the map, al-Aqsa that we saw on the map.

22 Q. The global charities?

23 A. The global charity, the global network. So this is
24 additional criteria that apply also in Tulkarem.

25 Q. And based on the totality of everything you have seen and

1 researched about the Tulkarem zakat committee, in your opinion
2 between the years 1995 and 2001 was the Tulkarem zakat
3 committee controlled by Hamas?

4 A. Yes.

5 Q. And during that same period was it part of Hamas' social
6 wing?

7 A. Yes. And another criteria, if I may?

8 Q. Sure. Go ahead.

9 A. Some of its members were arrested by the PA during 1996,
10 so it is the view of the PA, I mean, they identified some of
11 the members of the zakat in Tulkarem.

12 MS. HOLLANDER: Objection, Your Honor, what the view
13 of the PA is.

14 THE COURT: Are you speaking from their actions or
15 from something that you read or heard from the PA?

16 THE WITNESS: From their actions.

17 THE COURT: You may continue. Go ahead. Overruled.

18 THE WITNESS: The Palestinian Authority in 1996
19 arrested a few members of the zakat of Tulkarem, like Amar
20 Badawi, Bilal Khamis.

21 Q. (BY MS. SHAPIRO) Are they both on your board here?

22 A. Yes.

23 Q. Okay. All right. So again, on the totality, is it your
24 opinion that this committee was Hamas between 1995 and 2001?

25 A. Yes.

1 Q. All right. Let's move on to another committee. Did you
2 have an opportunity to research the Bethlehem Orphan Care
3 Society?

4 A. Yes.

5 Q. And let me just pull up -- Let me first have you identify
6 the pictures. It is just one picture, No. 44, I am going to
7 show you. Can you identify who is depicted in picture No. 44?

8 A. Ghassan Harmas.

9 Q. Okay.

10 MS. SHAPIRO: Can we pull up picture No. 44?

11 Q. (BY MS. SHAPIRO) Who is Ghassan Harmas?

12 A. Ghassan Harmas is the chairman and also the treasurer for
13 the Bethlehem Orphan Care Society.

14 Q. Let me stop you for one second. Can you just show us
15 where Bethlehem is on this map of the West Bank?

16 A. South to Jerusalem a few miles, only a few miles from
17 Jerusalem from the south.

18 MS. SHAPIRO: Your Honor, I neglected to move
19 Picture No. 44 into evidence.

20 THE COURT: Same objection.

21 MS. HOLLANDER: Yes, sir; 403, 703.

22 THE COURT: Overruled. The picture is admitted.

23 Q. (BY MS. SHAPIRO) When did Ghassan Harmas join the
24 Bethlehem Orphan Care Society?

25 A. 1997.

1 Q. Where was he before he was at the Bethlehem Orphan Care
2 Society?

3 A. I just want to clarify something. He didn't -- He formed
4 the Orphan Care Society.

5 Q. Okay.

6 A. He didn't move to the Orphan Care Society.

7 Q. So he formed the Orphan Care Society in 1997?

8 A. Exactly.

9 Q. But where was he, Ghassan Harmas, before he formed the
10 Bethlehem Orphan Care Society?

11 A. From at least 1991 this is my first indication he was in
12 the zakat committee of Bethlehem.

13 Q. The Bethlehem zakat committee?

14 A. The Bethlehem zakat committee.

15 Q. Okay. And do you have any idea why he went or left the
16 Bethlehem zakat committee and started the Bethlehem Orphan
17 Care Society?

18 MS. HOLLANDER: Objection; hearsay, no foundation.

19 THE COURT: Overrule the objection. If he knows he
20 may testify to that.

21 Q. (BY MS. SHAPIRO) If you know.

22 A. According to Palestinian document that I read, there is
23 the headquarters of the Palestinian Preventive Security Forces
24 in Bethlehem.

25 MR. DRATEL: Your Honor, may we approach for a

1 second?

2 THE COURT: Yes.

3 (The following was had outside the hearing of the
4 jury.)

5 MR. DRATEL: I am afraid he is relying on something
6 that the Court has kept out.

7 THE COURT: I don't know what it is. Do you know
8 what his foundation is?

9 MS. SHAPIRO: Well, he hasn't kept it out. I never
10 moved it in. But he has a variety of documents he has relied
11 on.

12 MS. HOLLANDER: They are hearsay.

13 THE COURT: He can rely on them. I don't think he
14 is entitled to get into what they say. That is the problem.

15 MS. SHAPIRO: He doesn't understand the rules. I
16 will ask him not to describe what it is.

17 MR. DRATEL: Just so it is clear, we object to him
18 relying on things that would be inadmissible under any rule.
19 If they moved to admit them, we would move to obviously
20 exclude them. We do not think think they satisfy any hearsay,
21 including 807.

22 In addition, I don't think it cures the confrontation
23 problem to have him summarize it and put it in rather than,
24 you know, elucidate specifically where it comes from. I don't
25 think that cures -- In some ways it makes it worse. The best

1 way to keep it out entirely. That is the only way to preserve
2 the confrontation.

3 THE COURT: All right. That objection is overruled.
4 If you will ask the questions to steer him away from repeating
5 what is in the documents.

6 (The following was had in the presence and hearing
7 of the jury.)

8 Q. (BY MS. SHAPIRO) I am going to re-ask the question. If
9 you know why Ghassan Harmas went from -- left the Bethlehem
10 zakat committee and started the Bethlehem Orphan Care Society,
11 without telling me or quoting from any particular document.
12 If you can just tell me based on your research in this area as
13 an expert.

14 MR. DRATEL: Just so we have an objection to this.

15 THE COURT: You have the objection. That has been
16 overruled. Go ahead.

17 THE WITNESS: I will say it as simple as I can.
18 Ghassan Harmas was upset from the way that the zakat in
19 Bethlehem was handled, and he created a competitive, competing
20 society to the zakat in Bethlehem. The path of the zakat in
21 Bethlehem was not Hamas enough for him, and that is why he
22 decided to create another society that will -- And he
23 recruited other Hamas activists to this Orphan Care Society.

24 Q. Okay.

25 MS. SHAPIRO: Can we pull up Payments to Bethlehem

1 Orphan Care Society?

2 Q. (BY MS. SHAPIRO) Just remind us, what year did Ghassan
3 Harmas start Bethlehem Orphan Care Society?

4 A. 1997.

5 Q. And before that he was at the Bethlehem zakat?

6 A. Correct.

7 Q. Let's look at this payment ON May 20th, 1991 to Ghassan
8 Harmas.

9 MS. SHAPIRO: Can you go back, please, to the
10 earlier?

11 Q. (BY MS. SHAPIRO) Do you see from 1991 any indication
12 that money is going to the Bethlehem zakat committee?

13 A. May 20, 1991, Bethlehem charity.

14 MS. SHAPIRO: And if we can scroll down. Let's
15 scroll down further.

16 Q. (BY MS. SHAPIRO) Okay. Do you see in 1997 the first
17 line has the payment to the Bethlehem charity? Do you see
18 that?

19 A. The first line?

20 Q. Yes.

21 A. Bethlehem charity.

22 Q. Right.

23 A. November 5, 1997.

24 Q. And what is the next line?

25 A. The Orphan Care Society.

1 Q. And are all the payments after that, if you can just
2 scroll through, to the Bethlehem Orphan Care Society?

3 A. Correct.

4 Q. And what is the last payment on this page?

5 A. October 23rd, 2001.

6 Q. Okay. Now, Ghassan Harmas I think you said -- Does he
7 have a connection to Hamas?

8 A. He is a prominent leader of Hamas.

9 Q. And has Hamas identified him as being Hamas?

10 A. Khalid Mishal identified him, and I reviewed other places
11 that he was identified by Hamas.

12 Q. Okay. And based on your research during the time period
13 of 1997, or let's say 1995, let's say 1995 to 2001, the time
14 period of the indictment, was Ghassan Harmas known in the
15 community as a Hamas leader?

16 A. Yes.

17 Q. And have you seen in the course of your research media
18 coverage with respect to Ghassan Harmas?

19 A. Yes.

20 Q. What kind of coverage?

21 A. For example, Khalid Mishal mentioned him. And if I may
22 look and just point it out?

23 Q. Well, okay. If you need to look. I was just wondering
24 if you remember press reports.

25 A. Press reports of Hamas sites that I saw that they

1 identify, they are talking --

2 Q. About Ghassan Harmas?

3 A. About Ghassan Harmas, yes.

4 Q. And what kind of sites?

5 A. Hamas sites. I just want to review. I don't remember
6 exactly the sites.

7 Q. Go ahead.

8 A. Palestine Info.

9 Q. Is that a Hamas website?

10 A. Yes. The Black Book that was published recently in
11 Lebanon about --

12 Q. Focusing just on the time period of 1995 to 2001.

13 A. El-Kud from 1996.

14 Q. He was, in your opinion based on everything you have
15 reviewed, known in the community as a Hamas leader?

16 MR. WESTFALL: Object to leading, Your Honor.

17 THE COURT: Sustained, counsel.

18 MS. SHAPIRO: Okay.

19 THE COURT: Do you want to rephrase?

20 Q. (BY MS. SHAPIRO) Did you see any indications one way or
21 the other as to whether Ghassan Harmas was known in the
22 community?

23 A. Yes.

24 Q. How was he known in the community?

25 A. As a senior Hamas leader.

1 Q. Okay.

2 MS. SHAPIRO: Could we play InfoCom Search No. 65,
3 please?

4 (Whereupon, InfoCom Search No. 65 was played in open
5 court.)

6 Q. (BY MS. SHAPIRO) The same Ghassan Harmas we have been
7 talking about?

8 A. Yes.

9 MS. SHAPIRO: Can we show the summary of Bethlehem
10 Orphan Care Society, please?

11 Q. (BY MS. SHAPIRO) Is he the first column on the summary?
12 It says Ghassan Harmas?

13 A. Yes.

14 Q. The same person?

15 A. Yes.

16 Q. And do you know who the second person named in there
17 Rabah Abdeen?

18 A. Rabah Abdeen was the chairman of the zakat in Tulkarem.

19 Q. In Bethlehem?

20 A. Sorry. In Bethlehem.

21 Q. Okay. And that was the Bethlehem zakat committee where
22 Ghassan Harmas was earlier?

23 A. Yes.

24 Q. And the third person?

25 A. I don't identify him.

1 Q. Okay. In your opinion, since the time that Ghassan
2 Harmas joined the Bethlehem Orphan Care Society in 1997, has
3 that committee been controlled by Hamas?

4 A. Yes, there are more criteria, but not only the -- One
5 person is not doing it.

6 Q. Okay. What else have you seen with respect to the
7 Bethlehem Orphan Care Society?

8 A. Okay. First of all, with Ghassan Harmas there was Ahmed
9 Sawuf and Nasser Habadah, also Hamas activists that assisted
10 him in the Society. The Orphan Care Society was part of the
11 closed network. It has very close relations with societies
12 like the Islamic Charitable Society in Hebron, and also in
13 small committees of Hamas, other small committees in the area.

14 Q. Is there a connection to the external network you talked
15 about?

16 A. It has connection with external network, including the
17 Interpal which we saw on the map before, Interpal from
18 Britain. The al-Aqsa Fund Foundation in Europe also was on
19 the map. The CBSP, and other Hamas foundations overseas. It
20 also supported the martyrs, families of martyrs. And the
21 Palestinian Authority saw them as Hamas, and this is reflected
22 in many documents that I review.

23 Q. Don't tell us what the documents say. Just tell us your
24 conclusions from those documents.

25 MR. DRATEL: Same objection, Your Honor.

1 THE COURT: Okay. Overruled.

2 THE WITNESS: My conclusion, based on all the
3 criteria that I mentioned now, is that the Orphan Care Society
4 is a Hamas society since it was established in 1997 until
5 today.

6 Q. (BY MS. SHAPIRO) And during that entire time period was
7 it part of the Hamas social wing?

8 A. Yes.

9 Q. Okay. Let's move to another committee. Have you had the
10 opportunity to research the Islamic Science and Culture
11 Committee?

12 A. Yes.

13 Q. And where was this committee located?

14 A. In -- The office was located in Beit Hanina.

15 Q. And where is Beit Hanina?

16 A. In the suburbs of Jerusalem.

17 Q. Can you point out where Jerusalem is on this map? I am
18 pointing to the shaded area.

19 A. Yes, exactly.

20 Q. Beit Hanina was where about? North? South?

21 A. I cannot point out exactly where Beit Hanina is, but it
22 is east of Jerusalem.

23 Q. Right in Jerusalem or close by it?

24 I am going to ask you to identify a few more pictures.
25 These are pictures 45 to 48.

1 MS. SHAPIRO: May I approach, Your Honor?

2 THE COURT: Yes.

3 Q. (BY MS. SHAPIRO) I am showing you what has been marked
4 as Picture No. 45. Can you identify this person?

5 A. Jamil Hamami.

6 Q. Okay. And can you identify Picture No. 46?

7 A. Ibrahim Abu Salem.

8 Q. Can you identify Picture No. 47?

9 A. Hassan al-Keek.

10 Q. And Picture No. 48?

11 A. Jamal Tawil.

12 MS. SHAPIRO: Your Honor, I move the admission of
13 pictures 45 through 48.

14 THE COURT: Same objection.

15 MS. HOLLANDER: Yes.

16 THE COURT: Those have been overruled. Pictures 45
17 through 48 are admitted.

18 Q. (BY MS. SHAPIRO) Did you assist in preparing a
19 demonstrative of this committee, the Islamic Science and
20 Culture Committee?

21 A. Yes.

22 MS. SHAPIRO: I move the admission of Demonstrative
23 No. 26.

24 THE COURT: Same objection?

25 MS. HOLLANDER: Same objection.

1 THE COURT: Demonstrative No. 26 is admitted.

2 Q. (BY MS. SHAPIRO) Okay. This demonstrative has two
3 committees on it, the one we just spoke about you see at the
4 top, Bethlehem Orphan Care Society, and the bottom you can see
5 the Islamic Science and Culture Society.

6 Okay. Jamil Hamami, who is he?

7 A. Jamil Hamami is one of the founders of Hamas in the West
8 Bank, especially in Jerusalem and Ramallah area, the middle
9 West Bank, actually. He is said to be the founder of Hamas in
10 the West Bank. There are a few founders, but he is one of
11 the -- He is the heart of the founders.

12 MS. SHAPIRO: Could we go to HLF Search No. 108,
13 please, page 13?

14 Q. (BY MS. SHAPIRO) Okay. It says, "Yassin, in
15 consultation with the six other founding members, managed the
16 complexities of the administering Hamas' affairs. Prior to
17 his 1989 arrest, Yassin was al-Mas'ul al-'Am (Director
18 general) of the movement. He assigned Sheikh Jamil Hamami, a
19 brotherhood activist in the West Bank, to establish with his
20 colleagues a branch of Hamas there. Hamami thus became the
21 liaison between the leadership in Gaza on one the hand and the
22 Hamas command in the West Bank and the brotherhood command in
23 Jordan on the other."

24 MS. SHAPIRO: Can we go back to the first page and
25 identify what this document is?

1 Q. (BY MS. SHAPIRO) This is a copy of Middle East Affairs
2 Journal, HLF Search No. 108. So that is the same Jamil Hamami
3 that you mentioned there on the Islamic Science and Culture
4 Society?

5 A. Yes.

6 Q. Okay.

7 MS. SHAPIRO: Can we look at El-Mezain Wiretap No.
8 1, page 136, please? The first paragraph, please. Okay.

9 Q. (BY MS. SHAPIRO) This is a fax from the Islamic
10 Association of Palestine. Reading the last two sentences,
11 "Zionist security circles see that the results of this
12 campaign will be of low benefit. Sources also said that the
13 Palestinian Authority has asked the occupation authorities to
14 arrest Sheikh Jamil Hamami, who lives in Bier Nibala village
15 near Jerusalem, who is considered to be one of the main
16 leaders of the Hamas movement in the West Bank."

17 Again, is this the same Jamil Hamami from the Islamic
18 Science and Culture Committee?

19 A. Yes.

20 MS. SHAPIRO: Do we have Defense Exhibit No. 1397?
21 Can we go to the English, please?

22 Q. (BY MS. SHAPIRO) Okay. Dated September 16th, 1991,
23 "project for Beir Nabala." "This project," it says at the
24 bottom, "committee of the Islamic Science and Culture Society,
25 established in 1984."

1 Is that the same committee that we are talking about?

2 A. Yes.

3 MS. SHAPIRO: Can we go to InfoCom Search No. 59,
4 please?

5 Q. (BY MS. SHAPIRO) This is another letter to CBS with
6 respect to the Eye On America program. Can you see --

7 A. Yes.

8 MS. SHAPIRO: Can we scroll down a little bit more
9 and see who this is from? Okay. We just have the seal.
10 Let's go to the top, then.

11 Q. (BY MS. SHAPIRO) What does it say in the top left hand
12 corner?

13 A. The Society of Islamic Sciences and Culture Committee.

14 Q. Okay. Is this the same Islamic Science and Culture
15 Committee?

16 A. Yes.

17 Q. Okay. Did there come a time when Jamil Hamami had a rift
18 with Hamas?

19 A. Yes.

20 Q. About when was that?

21 A. 1996.

22 Q. Okay. Who is Ibrahim Abu Salem?

23 A. Ibrahim Abu Salem is a Hamas member, also known Hamas
24 member, and was elected also as a Hamas member in the
25 Palestinian parliament. Again, I am mentioning this because

1 being elected by Hamas to the parliament is something that is
2 considered something that showed seniority.

3 Q. And from what time do you know Ibrahim Abu Salem was at
4 this committee?

5 A. At the committee?

6 Q. Yes.

7 MS. DUNCAN: Your Honor, I would like to object. It
8 appears the witness is reading from his notes rather than just
9 testifying and answering the questions.

10 MS. SHAPIRO: I don't think he was reading.

11 THE COURT: He can refer to his notes. You can
12 refer and then just testify once your memory has been
13 refreshed.

14 Q. (BY MS. SHAPIRO) Do you need to refresh your memory?

15 A. Yes. I just want to be accurate about specific dates.

16 Q. Absolutely. You can refresh your memory. You just can't
17 read from the document. So after you have looked at your
18 document, you should put it down and then tell us what the
19 answer is.

20 A. According to my research, at least from 1989 he was a
21 member.

22 Q. And who is Hassan al-Keek?

23 A. Hassan al-Keek is also one of the Hamas leaders, founders
24 in the West Bank, senior Hamas.

25 Q. Was he also at the committee for about what time?

1 A. He was in the committee from the same period of time.
2 This society was not founded as Hamas. It was founded
3 in 1984. And it was not controlled by Hamas when Hamas was
4 established. Short after Hamas, according to my records,
5 according to my knowledge, shortly after Hamas was established
6 in the West Bank, then these members became members in the
7 Society and actually became Hamas society.

8 Q. And what year was that that the Society became controlled
9 by Hamas?

10 A. I would say that in 1998 it became a Hamas society,
11 according to the material that I review.

12 Q. And who is the last person on your demonstrative, Jamal
13 Tawil?

14 A. Jamal Tawil is a member of Hamas. He was a member in a
15 few Hamas committees. He used to work in the Ramallah zakat
16 committee that we mentioned before, and then he was a member
17 of the Islamic Science Society, this society in Jerusalem, and
18 he also was a member of the al-Isla Society that I mentioned
19 before as a society that was split from the Ramallah zakat
20 committee.

21 Q. Okay.

22 A. And he is also a member of the military wing of Hamas.
23 He was involved in military activity.

24 Q. Okay. About what time period was Jamal Tawil involved in
25 the military?

1 A. From the beginning of the second Intifada until he was
2 arrested in 2002.

3 Q. And the beginning of the second Intifada is what year?

4 A. October 2000.

5 Q. Okay. So I am going to --

6 MS. SHAPIRO: May I approach the demonstrative, Your
7 Honor?

8 THE COURT: Yes.

9 Q. (BY MS. SHAPIRO) I am going to put a sticker next to
10 Jamal Tawil. He was involved in the military wing. Were any
11 of these others in the Islamic Science and Culture Society
12 identified by Hamas as being part of Hamas?

13 A. Jamil Hamami, Ibrahim Salem, Hassan al-Keek, Jamal Tawil,
14 and Ghassan Harmas.

15 Q. Ghassan Harmas, Hamas also identified him?

16 A. Yes.

17 MS. SHAPIRO: Can we look at InfoCom Search 28,
18 please, page 83?

19 Q. (BY MS. SHAPIRO) This is the Islamic Sciences and
20 Culture Committee that we have been talking about. Do you
21 know who Sheikh Abdel Azim Salhab is?

22 A. Yes, I know Abdel Azim Salhab.

23 Q. Who is he?

24 A. He is a member of the Society, but I don't have
25 information that I can link him to Hamas.

1 Q. Okay.

2 MS. SHAPIRO: And let's look at Elabarasse No. 22,
3 please. And I think the third page, the next page.

4 Q. (BY MS. SHAPIRO) Do you see the reference -- And this is
5 from 1991. Do you see a reference from the Science and
6 Culture Society?

7 A. Yes, it is written "We have three of our people in it."

8 Q. Okay. And what happened to the Islamic Science and
9 Culture Committee? Is it operating today?

10 A. No.

11 Q. What happened to it?

12 A. In 1994 and in 1995, there were searches in their office
13 in Beit Hanina by the police.

14 Q. Which police?

15 A. The Israeli police.

16 Q. Okay. Did the Israeli police have jurisdiction over
17 Jerusalem?

18 A. Yes.

19 Q. Okay. And there was a search, you said?

20 A. I don't know. A search?

21 Q. I thought you said there was a search by the police?

22 A. Yes.

23 Q. Okay. And what happened after that?

24 A. After the second search in 1995, the police decided to
25 shut down the office in Beit Hanina.

1 Q. Did this committee -- So is it fair to assume the
2 committee was closed in 1995, the physical building?

3 A. The physical, the office.

4 Q. And did this committee have bank accounts?

5 A. They had several bank accounts, including in Ramallah.

6 Q. In Ramallah?

7 A. Yes, the Arab Bank in Ramallah.

8 Q. And under whose jurisdiction was Ramallah?

9 A. At that time the PA, the Palestinian --

10 Q. 1995.

11 A. The Palestinian Authority.

12 Q. Okay. And so after 1995 could money still be sent to the
13 Islamic Science and Cultures Committee?

14 A. Yes.

15 Q. How would that happen?

16 A. They can send money to bank account in Ramallah. Israeli
17 authorities don't have jurisdiction under the Ramallah
18 district. It was fully controlled by the Palestinian
19 Authority. It is under full control of the Palestinian
20 Authority.

21 Q. Okay.

22 MS. SHAPIRO: Let's look at Payments to Islamic
23 Science and Culture. Can you see when those payments start?

24 Q. (BY MS. SHAPIRO) Is there payments from the Holy Land
25 Foundation to the Islamic Science and Culture Committee?

1 A. May 1st, 1991.

2 Q. Okay.

3 MS. SHAPIRO: And can we go to the end and see when
4 the last payment is?

5 A. July 18, 1996.

6 Q. (BY MS. SHAPIRO) Okay. And in your opinion, from the
7 period of time of 1991 through 1996, was this committee
8 controlled by Hamas?

9 A. Yes, but because of other criteria that I took into
10 consideration.

11 Q. What other criterion that you evaluated applied to this
12 committee?

13 A. According to reports.

14 Q. Don't tell me what you are relying on. If you could just
15 tell me the result of your analysis.

16 MR. DRATEL: Objection, Your Honor; same objection
17 as previously about bases.

18 THE COURT: Overrule those objections. You may
19 state your conclusions and your opinions.

20 THE WITNESS: Leaflets of Hamas, brochures of Hamas,
21 books of Hamas that were found, posters, I have linked a part
22 of the network, the closed network that I was talking about,
23 supported by the IRC, the Islamic Relief Committee that I
24 mentioned.

25 Q. (BY MS. SHAPIRO) Is that the Islamic Relief Committee?

1 Did we see that on your map?

2 A. Correct.

3 Q. Earlier in your PowerPoint?

4 A. Correct.

5 Q. Okay.

6 A. Cooperation with Ramallah zakat committee, and the
7 Islamic Charitable Society in Hebron, and also supported by
8 the global network, including the al-Aqsa in Germany,
9 including the Interpal, and before that it was called the PLRF
10 Lebanon fund, and also the CBSP.

11 Q. Okay.

12 A. So there are more criteria than only the people that
13 served in this committee, this society.

14 Q. Based on all the criteria you looked at with respect to
15 this committee, what is your opinion about the character of
16 this committee between 1991 and -- through 1996?

17 A. My opinion is that it was a Hamas society in that period.

18 Q. And was it part of the Hamas social wing during that
19 period?

20 A. That is my opinion.

21 Q. Okay. Let's talk about the Qalqilya zakat committee.
22 Did you have an opportunity to study the Qalqilya zakat
23 committee?

24 A. Yes.

25 Q. Okay. And where is Qalqilya within the West Bank?

1 A. Qalqilya is south, a few miles south of Tulkarem in the
2 Western of the West Bank, the Western side of the West Bank.

3 Q. And over here on this reddish part, what part is that?

4 A. That is Israel.

5 Q. Okay. I am going to show you a couple of more pictures.
6 These are Pictures 55 and 56.

7 MS. SHAPIRO: I was just reminded, Your Honor, that
8 they were moved in earlier.

9 THE COURT: They are in, yes.

10 Q. (BY MS. SHAPIRO) I am going to put the demonstrative
11 back up with the Qalqilya zakat committee. Can you see it?
12 Who is Ibrahim Dawud a.k.a. Bilal Hanun?

13 A. He is the chairman and treasurer for the Qalqilya zakat
14 committee.

15 Q. Okay. And does he have any connection to Hamas?

16 A. He is a member of Hamas.

17 Q. Okay. And Riad Walwil?

18 A. A member of Hamas.

19 Q. And what was his connection to the committee?

20 A. If I remember correct, it was the vice chairman.

21 Q. Okay. And has Hamas publicly identified either of these
22 men as Hamas?

23 A. Riad Walwil.

24 Q. Riad Walwil?

25 A. Riad Walwil was publicly identified with Hamas, Palestine

1 Info and Hamas sites.

2 MS. SHAPIRO: And could we look at the Payments to
3 Qalqilya Zakat Committee, please?

4 Q. (BY MS. SHAPIRO) Can you see when payments from Holy
5 Land Foundation to Qalqilya zakat committee started on this
6 summary?

7 A. February 20, 1992.

8 MS. SHAPIRO: And can we go to the last payment?

9 Q. (BY MS. SHAPIRO) And what is the date of the last
10 payment?

11 A. October 11, 2001.

12 MS. SHAPIRO: Can we go to Qalqilya Account No. 1,
13 page 2?

14 Q. (BY MS. SHAPIRO) Can you read the names -- These are
15 bank records of the Qalqilya zakat committee. Can you read
16 them?

17 A. Riyadh Rashid Walwil.

18 Q. Is that the same Riad Walwil that we see on your
19 demonstrative poster?

20 A. Yes.

21 Q. Let's go to the next one. The name on this one is?

22 A. Dawud, Ibrahim Dawud.

23 Q. Is this the same Ibrahim Dawud that you see in the
24 Qalqilya zakat committee demonstratives?

25 A. Yes.

1 Q. And these are 1991?

2 A. 1991, correct.

3 Q. Okay. Did these two individuals remain on the Qalqilya
4 zakat committee after that time?

5 A. Yes.

6 Q. About how long did they stay on the Qalqilya zakat
7 committee?

8 A. After 2001.

9 Q. All the way through?

10 A. All the way through.

11 MS. SHAPIRO: And can we look at Elabarasse No. 22,
12 please? If you could blow up the bottom half.

13 Q. (BY MS. SHAPIRO) What does it say for the Qalqilya zakat
14 committee?

15 A. "All of it is ours and it is guaranteed."

16 MS. SHAPIRO: Okay. And can we go to Philly Meeting
17 No. 13-E, page 2, please?

18 Q. (BY MS. SHAPIRO) And it talks about, "In Qalqylia we
19 have the Legal Institute for Studies."

20 MS. SHAPIRO: Can you go back to the previous page,
21 please, the middle part?

22 Q. (BY MS. SHAPIRO) "The West Bank in the north region,
23 which includes Nablus, Jenin, Qalqilya, and al-Biga'a, there
24 was relatively old activity, such as the Nablus zakat
25 committee."

1 At this point in 1993, at the time of the Philadelphia
2 meeting, was the Qalqilya zakat committee controlled by Hamas?

3 A. Yes. There were other criteria, but --

4 Q. We are getting to -- If I could show Qalqilya Zakat
5 No. 1, please. Where is this document taken from?

6 A. The Qalqilya zakat committee.

7 Q. And what is it?

8 A. These are forms for supporting families of martyrs. In
9 Arabic it is written the reason of the death, their cause of
10 death is the shahid.

11 MS. SHAPIRO: Let's go to to the English.

12 Q. (BY MS. SHAPIRO) Can you read what it says under cause
13 of death?

14 A. Martyrdom.

15 MS. SHAPIRO: Can you go to the next page, please?

16 Q. (BY MS. SHAPIRO) And again what do you see for cause of
17 death?

18 A. Martyrdom.

19 MS. SHAPIRO: And the next page.

20 Q. (BY MS. SHAPIRO) The cause of death?

21 A. Martyrdom.

22 Q. Okay. Is this consistent with your analysis with respect
23 to priorities of Hamas?

24 A. Yes.

25 Q. Are there other criteria that we spoke about earlier that

1 apply to this committee?

2 A. Yes. First of all, there were other Hamas activists.

3 Q. Can you speak a little louder?

4 A. Sorry. There were other Hamas activists in the
5 committee. I just want to mention one of them, Zahran, which
6 is a known Hamas leader. There are more, but I don't think
7 that I based my opinion on their affiliation to Hamas.

8 This committee, the zakat committee of Qalqilya, also
9 operated a club for youngsters. In this club there were
10 meetings of Hamas leaders in the region. Also in this club
11 there were posters of Hamas and the slogans of Hamas.

12 The committee of Qalqilya, the zakat committee of
13 Qalqilya had relations with Tulkarem zakat committee and
14 Nablus zakat committee. This is the criteria of the closed
15 network. And also the Islamic Charitable Society, they were
16 all linked. And the zakat committee of Qalqilya was supported
17 by the global network, the global financial network, including
18 the Interpal, the CBSP, and al-Aqsa in Europe, which were
19 shown on the map as part of the Hamas global network.

20 Q. Okay. And based on the totality of what you have
21 researched about the Qalqilya zakat committee, do you have an
22 opinion about whether this committee was controlled by Hamas
23 between 1995 and 2001?

24 A. Yes. Also they have subcommittee that also affiliates
25 with Hamas, the Quran and Sunna, just one or two to mention.

1 But based on all the criteria that I just mentioned, my
2 opinion is that the Qalqilya zakat committee is part of the
3 Hamas social network.

4 Q. Okay. All right. And let's move now to the Islamic
5 Charitable Society of Hebron. Did you have an opportunity
6 during the course of your research to study the Islamic
7 Charity Society of Hebron?

8 A. Yes.

9 Q. Give me one moment to change binders, please. Okay. I
10 am going to show you some more photos. I think this is the
11 last batch. They are pictures 28 through 37. I am going to
12 show you some more pictures. This is Picture No. 28. Can you
13 identify who this person is?

14 A. Abd al-Khaliq al-Natshe.

15 Q. Can you identify who Picture No. 29?

16 A. Hashem Natshe.

17 Q. Can you identify who is in Picture No. 30.

18 A. Muhamad Eid Misk.

19 Q. Can you identify who is in Picture No. 31?

20 A. Adnan Masouwda.

21 Q. Can you identify who is in Picture No. 32?

22 A. I would have to check. I can't remember now. Sorry.

23 Q. Okay. We will put this one aside. Do you remember who
24 is in picture No. 33? Can you identify this person? Are you
25 getting tired? I understand.

1 Let's look at the next one. Can you identify who is in
2 Picture No. 34?

3 A. Azzam Salhab.

4 Q. Can you identify who is in Picture No. 35?

5 A. Moustafa Shawer.

6 Q. Can you identify who is in picture No. 36?

7 A. Fathi Amru. I don't remember correct.

8 Q. Fathi Amru?

9 A. Fathi Amru.

10 Q. Can you identify who is in picture No. 37?

11 A. Farah -- I am not sure.

12 THE COURT: If you can keep your voice up. I think
13 they are having trouble hearing you.

14 THE WITNESS: I am not sure that I can identify it.

15 MS. SHAPIRO: Just a moment, Your Honor.

16 THE COURT: All right.

17 MS. SHAPIRO: Okay. Your Honor, I move into
18 evidence, and I will call out the individual numbers, Picture
19 No. 28, Picture No. 29, Picture No. 30, Picture No. 31,
20 Picture No. 34, Picture No. 35, and picture No. 36.

21 THE COURT: Same objections?

22 MS. DUNCAN: On picture No. 36, I thought I heard
23 the witness say he wasn't sure.

24 MS. SHAPIRO: I heard him identify it, but I can ask
25 him again.

1 THE COURT: Ask him again.

2 MS. SHAPIRO: Which one was it again?

3 MS. DUNCAN: No. 36.

4 Q. (BY MS. SHAPIRO) Okay. Can you identify who is depicted
5 in picture No. 36.

6 A. That is Fathi Amru.

7 THE COURT: All right. Same objections you had
8 previously?

9 MS. DUNCAN: Yes, Your Honor.

10 THE COURT: Those are overruled. Pictures 28
11 through 31 and 34 through 36 are admitted.

12 Q. (BY MS. SHAPIRO) I think a couple of days ago you
13 mentioned the Islamic Charitable Society of Hebron. And you
14 mentioned the date that it was founded. Can you tell us when
15 the date that the Islamic Charitable Society of Hebron was
16 established?

17 A. 1977.

18 Q. 1977? Did you get the date wrong a couple of days ago?

19 A. I mixed it with Jenin which was founded in 1984.

20 Q. Can you speak up a little louder? It is okay. I know it
21 is very late. We are all tired.

22 A. That is okay. I mixed it up with the date of the
23 establishment of Jenin zakat committee, which was in 1984.

24 Q. Okay. And so what is actually the date that the Islamic
25 Charitable Society was established?

1 A. 1977.

2 Q. Can you show us where Hebron is in the West Bank?

3 A. Hebron is in the south of the West Bank, the south, a
4 Palestinian city.

5 Q. This gray area here?

6 A. The gray area.

7 Q. South of Bethlehem?

8 A. Correct.

9 MS. SHAPIRO: Can we pull up the Payments to Islamic
10 Charitable Society of Hebron, please? ICS Hebron.

11 Q. (BY MS. SHAPIRO) And what is the first date of the
12 payments to the Islamic Charitable Society of Hebron?

13 A. May 1st, 1991.

14 Q. Okay.

15 MS. SHAPIRO: And can we go to the end, go to the
16 last date.

17 A. November 1st, 2001.

18 MS. SHAPIRO: Okay. Let's look at picture No. 28.

19 Q. (BY MS. SHAPIRO) Who is Abd al'Khaliq al-Natshe?

20 A. Abd al'Khaliq Natshe, he is one of the senior members of
21 Hamas in the West Bank considered -- He is a leader of Hamas
22 in Hebron area, and also was the head or in charge of the
23 Islamic Charitable Society in Hebron. He had the office in
24 the Islamic Charitable Society of Hebron.

25 Q. And was he known as affiliated with Hamas in the

1 community?

2 A. Yes.

3 Q. Okay.

4 MS. SHAPIRO: Could we bring up Marzook Phonebook,
5 page 45, please? Do you see Abd al-Khaliq al-Natshe's name in
6 Mousa Abu Marzook's phonebook?

7 A. Yes. In the last -- The last phone number is of Abd
8 al-Khaliq al-Abd al-Khaliq al-Natshe.

9 Q. And we will come back to Abd al-Khaliq al-Natshe. I want
10 to go through a few other people with you.

11 MS. SHAPIRO: If we could bring up picture No. 29.

12 Q. (BY MS. SHAPIRO) Who is Hashem Natshe?

13 A. Hashem Natshe was a member and also chairman for the
14 Islamic Charitable Society in Hebron until the year 2000 when
15 he was replaced by Adel Jneidi.

16 Q. Okay. And who is Adel Jneidi?

17 A. He was a member of the Charitable Society of Hebron, and
18 in 2000 he became chairman.

19 Q. Did Adel Jneidi have a connection to Hamas?

20 A. Yes. He is a senior Hamas member and known by Hamas as
21 Hamas.

22 Q. Back to Hashem Natshe.

23 MS. SHAPIRO: Can we go to Marzook Phonebook, page
24 50, please?

25 Q. (BY MS. SHAPIRO) Do you see Hashem Natshe here and under

1 what name?

2 A. Hashem Abdel Nabi. This is his second name. And Ibrahim
3 Abu Salem we saw before in the Islamic Science.

4 Q. So Hashem Abdel Nabi is the same person as Hashem Natshe?

5 A. It is the same person.

6 Q. Okay. And can we bring up picture No. 30, please? And
7 who is this person?

8 A. Muhamad Eid Misk. He was the secretary for the Islamic
9 Charitable Society in Hebron, a known Hamas member. He was
10 secretary until 1997 or 1998 when he was appointed also as the
11 manager of the library called Anwar Library of the Islamic
12 Charitable Society in Hebron.

13 Q. Does that have an English name, the library, or no?

14 A. No.

15 Q. Say it again in Arabic for --

16 A. Anwar.

17 Q. Can you spell it?

18 A. A-N-W-A-R, Anwar.

19 Q. All right.

20 MS. SHAPIRO: Can we bring up HLF Search No. 155,
21 please, and let's go to page 18? How about 19.

22 Q. (BY MS. SHAPIRO) Okay. This is signed by Salah Salim
23 Abdu Nabi. Who is that?

24 A. He is the treasurer for the Islamic Charitable Society of
25 Hebron, and also Hamas member. Is Salah Salim Abdel Nabi

1 Natshe is the full name.

2 MS. SHAPIRO: And can we go to page 21, please?

3 Q. (BY MS. SHAPIRO) And here this is signed by Hashem
4 al-Natshe. The same person?

5 A. The same person.

6 Q. This is dated 1997.

7 MS. SHAPIRO: If we go to page 15, please? We
8 looked at this one. Can we go to the next page? How about
9 page 84?

10 Q. (BY MS. SHAPIRO) Do you see the al-Anwar al-Ibrahimi
11 Library?

12 A. That is the full name.

13 Q. That is the library you were referring to?

14 A. That is the library I was referring to.

15 Q. It says salaries for all offices.

16 MS. SHAPIRO: Can we go to the page before? We
17 can't see it there. Go to the English.

18 Q. (BY MS. SHAPIRO) Okay. Who is right under the al-Anwar
19 Library?

20 A. Muhamad Eid Misk.

21 Q. The same Muhamad Eid Misk?

22 A. Yes.

23 MS. SHAPIRO: Can we go to page 128?

24 Q. (BY MS. SHAPIRO) Here we have Holy Land Hebron office.
25 Were you aware the Holy Land Foundation had an office in

1 Hebron?

2 A. Yes.

3 Q. Okay. And it says, "List of employees of the al-Anwar
4 Library receiving their salaries for month May 2000." Do you
5 see the first name on that list?

6 A. Muhamad Eid Muhamad Misk.

7 Q. He is receiving a base salary of \$453. Okay.

8 MS. SHAPIRO: If we go to page 128.

9 Q. (BY MS. SHAPIRO) Again, a list of employees, the Holy
10 Land Foundation Hebron office. The first name listed?

11 A. Muhamad Eid Muhamad Misk.

12 Q. Okay.

13 MS. SHAPIRO: And can we go to page 32?

14 Q. (BY MS. SHAPIRO) Another letter from the Islamic
15 Charitable Society of Hebron. Who signed this letter?

16 A. Adel Jneidi, who is the chairman since April 2000. He is
17 the one with the kofia, the picture you showed me I just
18 remembered.

19 MS. SHAPIRO: Can I ask him to identify it again,
20 Your Honor?

21 THE COURT: Yes.

22 MR. DRATEL: Your Honor, she is just going to show
23 him one photo.

24 MS. SHAPIRO: I will show him three, if you like.

25 THE COURT: Counsel, that is not improper. It

1 shouldn't even be an issue. It should not be an issue.

2 Go ahead come on up.

3 MS. SHAPIRO: Sorry. I brought the wrong picture
4 now.

5 Q. (BY MS. SHAPIRO) I am showing you picture No. 32. Who
6 is this?

7 A. This is Adel Jneidi. This is the one.

8 MS. SHAPIRO: I move the admission of Picture
9 No. 32.

10 THE COURT: Same objection. And that is overruled,
11 and it is admitted.

12 MS. SHAPIRO: Can we put up picture No. 32, please?

13 Q. (BY MS. SHAPIRO) Is this Adel Jneidi?

14 A. It is.

15 Q. Is this the same person we just saw on the letter?

16 A. It is the same person.

17 MS. SHAPIRO: Can we look at Picture No. 34, please?

18 Q. (BY MS. SHAPIRO) And who is this?

19 A. Azzam Salhab.

20 Q. Who was he?

21 A. A vice chairman for Adel Jneidi, was a member of the
22 Islamic Charitable Society in Hebron. In 2000 he was elected
23 as the vice president of Adel Jneidi, and also is a known
24 Hamas activist and identified by Hamas as Hamas.

25 MS. SHAPIRO: Bring up picture No. 35, please. Who

1 is this?

2 A. Moustafa Shower. Again a member of the Islamic
3 Charitable Society, was re-elected in 2000, a known Hamas
4 member in Hebron.

5 Q. And picture No. 36. It is a little dark, but can you see
6 who that is?

7 A. I identified him this is Fathi Amru, and he is also a
8 member of Hamas and a member of the Islamic Charitable Society
9 in Hebron. And the last picture should be Hatem Qafisheh from
10 the Young Muslim Society.

11 Q. I am sorry?

12 A. There was one picture -- Never mind. Sorry.

13 MS. SHAPIRO: Your Honor, may I show him the two
14 remaining photographs to see if his memory is refreshed?

15 THE COURT: Yes.

16 Q. (BY MS. SHAPIRO) Do you know who this one is? You don't
17 remember? It is okay.

18 A. I can't remember him. Sorry.

19 MS. MORENO: Counsel, which number was that?

20 MS. SHAPIRO: No. 37. And now I am showing him
21 Picture No. 33.

22 THE WITNESS: This is Hatem Qafisheh.

23 MS. SHAPIRO: Your Honor, I move the admission of
24 Picture No. 33.

25 THE COURT: Same objection, and that is overruled.

1 And that is admitted.

2 MS. SHAPIRO: And can we bring up picture No. 33?

3 Q. (BY MS. SHAPIRO) Who is Hatem Qafisheh?

4 A. Hatem Qafisheh was a senior member of a sub society, I
5 would say, subordinate to the Islamic Charitable Society. The
6 name is Young Muslim Society. And also controlled -- also
7 Hamas society and part of the Islamic Charitable Society.

8 Q. Okay.

9 MS. SHAPIRO: Your Honor, I am about to move to a
10 different area.

11 THE COURT: Okay. Let's go ahead and break for the
12 day.

13 Be back at 9:00 in the morning. Have a good evening.

14 (Whereupon, the jury left the courtroom.)

15 THE COURT: All right. You may step down. Let's
16 give the jury a minute to get out.

17 Are there some matters we need to address before we
18 leave?

19 I will give you rulings on the outstanding exhibits in
20 the morning, so be here at 8:45. Other than that, anything
21 else?

22 MR. DRATEL: I want to move for mistrial based on
23 the violence, violence, violence, and all those photos and
24 videos and the stuff that was seized, and the burning buses
25 and all of that.

1 MS. MORENO: Join on behalf of Mr. Elashi.

2 MS. HOLLANDER: Join on behalf of Mr. Abu Baker.

3 MR. WESTFALL: Join as well, Your Honor. And he has
4 testified from documents that we will never be able to see,
5 the PA documents. Even when he stopped expressly talking
6 about what he had seen in the PA documents, he is still
7 obviously relying on them. It is hearsay, it is not a good
8 basis, and we don't have any ability to confront him, Your
9 Honor.

10 THE COURT: Experts can rely on hearsay, and
11 frequently do. That is not a proper basis --

12 MR. WESTFALL: On those bases, I join.

13 MS. CADEDDU: I join on behalf of Mr. Abdulqader.

14 THE COURT: The motions for mistrial are denied.

15 MS. SHAPIRO: I just wanted to say, the Defense has
16 had all of these documents from the PA for a very, very long
17 time. They have them in their possession.

18 MR. WESTFALL: Well, Your Honor, he is talking about
19 documents we don't have.

20 MS. MORENO: We are not talking about the PA
21 documents.

22 THE COURT: All right. We are in recess until 8:45
23 for counsel.

24 (End of day.)

25

1 I HEREBY CERTIFY THAT THE FOREGOING IS A
2 CORRECT TRANSCRIPT FROM THE RECORD OF
3 PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.
4 I FURTHER CERTIFY THAT THE TRANSCRIPT FEES
5 FORMAT COMPLY WITH THOSE PRESCRIBED BY THE
6 COURT AND THE JUDICIAL CONFERENCE OF THE
7 UNITED STATES.

8
9 S/Shawn McRoberts

06/06/2009

10 _____DATE_____
11 SHAWN McROBERTS, RMR, CRR
12 FEDERAL OFFICIAL COURT REPORTER
13
14
15
16
17
18
19
20
21
22
23
24
25